

0.3 Index of Comments on Draft EIR & Responses

The Draft EIR for the 111 Callexico Place Specific Plan project was circulated for public review and comment between September 23, 2008 to November 21, 2008. The following agencies and organizations provided written comments on the Draft EIR during public review. A copy of each comment letter along with corresponding responses is included in a "side by side" format to facilitate review. The specific comments and the corresponding responses have each been given an alphanumeric reference.

Letter No.	Author	Address	Date	Representing	Page No. of Letter
Federal/State Agencies					
DTSC	Greg Holmes	5796 Corporate Avenue Cypress, CA 90630	October 15, 2008	State of California Department of Toxic Substances Control	0.3-3
DOJ	Edmund G. Brown, Jr. Attorney General	1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550	October 17, 2008	State of California Department of Justice	0.3-7
NAHC	Dave Singleton, Program Analyst	915 Capitol Mall, Room 364 Sacramento, CA 95814	November 6, 2008	State of California Native American Heritage Commission	0.3-9
PUC	Laurence Michael, Utilities Engineer	320 West 4th Street, Suite 500 Los Angeles, CA 90013	November 6, 2008	State of California Public Utilities Commission	0.3-12
OPR	Scott Morgan, Senior Planner	1400 10th Street P.O. Box 3044 Sacramento, CA 95812-3044	November 5, 2008	State of California Governor's Office of Planning and Research	0.3-14
DOT	Jacob Armstrong, Chief	4050 Taylor Street, M.S. 240 San Diego, CA 92110	November 20, 2008	State of California, Department of Transportation, District 11, Planning Division	0.3-16
Local Agencies					
ICPWD	William S. Brunet, P.E. Director of Public Works	155 South 11th Street El Centro, CA 92243-2853	October 23, 2008	County of Imperial Public Works Department	0.3-26
APCD	Brad Poiriez, Air Pollution Control Officer	150 South Ninth Street El Centro, CA 92243-2850	November 10, 2008	Imperial County Air Pollution Control District	0.3-36

Organizations					
MSJ	Frank R. Jozwiak	1115 Norton Building 801 Second Avenue Seattle, WA 98104-1509	November 6, 2008	Law Offices of Morisset, Schlosser & Jozwiak representing Quechan Indian Tribe	0.3-38
HPUD	John A. Jordan, General Manager	1078 Dogwood Road, Ste 103 P.O. Box H Heber, CA 92249	November 4, 2008	Heber Public Utility District	0.3-49
RPE	Anastasia Miki, Vice President	341 Crown Court Imperial, CA 92251	November 11, 2008	Richard Pata Engineering	0.3-53
ICPDS	Jurg Heuberger, AICP, CEP, Department Director	801 Main Street El Centro, CA 92243	November 13, 2008	Imperial County Planning & Development Services	0.3-54
ICDSS	James Semmes, Director	2995 S. 4 th Street, Suite 105 El Centro, CA 92243	November 7, 2008	Imperial County Department of Social Services	0.3-66
ICFD	Tony Rouhotas, Fire Chief	1078 Dogwood Road Heber, CA 92249	November 10, 2008	Imperial County Fire Department	0.3-69
ICSO	Raymond Loera, Sheriff/Coroner/Marshal	P.O. Box 1040 El Centro, CA 92244-1040	November 13, 2008	Imperial County Sheriff's Office	0.3-70



Comment Letter
DTSC

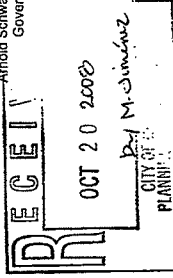
Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

Linda S. Adams
Secretary for
Environmental Protection



Arnold Schwarzenegger
Governor



October 15, 2008

Armando G. Villa
Director of Development Services
City of Calexico
Development Services Department
608 Heber Avenue
Calexico, California 92231

DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED 111 CALEXICO
PLACE SPECIFIC PLAN PROJECT, CITY OF CALEXICO (SCH # 2007031092),
IMPERIAL COUNTY

Dear Mr. Villa:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The proposed 111 Calexico Place Project (Project) is located at the southwest corner of the intersection of Jasper Road and State Highway (SH) 111 (SR-111). The proposed Project is the development of Commercial Highway (CH) land uses, including a Class III Tribal Gaming Casino facility and Hotel facility within an approximately 232-acres project in the City of Calexico, California. The Project site has been used historically for agriculture but is currently vacant and undeveloped with level topography." DTSC has the following comments:

- 1) The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

DTSC-1

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RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
SIGNED BY GREG HOLMES, DATED OCTOBER 15, 2008 (COMMENT LETTER DTSC)

Response to Comment DTSC-1:

As discussed in the Section 4.9 Hazardous Materials/Public Safety of the EIR, a search of selected governmental environmental databases was conducted and the project site is not listed on any of the database searches. Currently the project site is vacant and previously plowed agricultural fields. Due to the previous agricultural uses of the site, the near-surface soils on-site most likely contain trace residue of pesticides used on the fields. However, in accordance with applicable federal, state, and local regulations, prior to development of the project site a soil sampling shall be done to determine if soils on the site are contaminated. If the soils area found to be contaminated, the soils will be required to be remediated in accordance with federal, state, and local regulations.

In addition, there is a potential for the groundwater onsite to be contaminated due to past use of pesticides on the project site. However with the implementation of Mitigation Measure HMI1, which requires a site-specific geotechnical study to be conducted for dewatering activities, this impact is reduced to a level less than significant.

Comment Letter
DTSC
(cont'd.)

Armando G. Villa
October 15, 2008
Page 2 of 4

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
SIGNED BY GREG HOLMES, DATED OCTOBER 15, 2008 (COMMENT LETTER DTSC) (continued)

<p>• Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.</p> <p>• Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.</p> <p>• Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.</p> <p>• Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.</p> <p>• Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.</p> <p>• The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).</p>	<p>DTSC-1 (cont'd.)</p>	<p>DTSC-2</p> <p>2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC can enter an oversight agreement in order to review such documents. Please see comment No. 12 below for more information.</p>	<p>DTSC-3</p> <p>3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.</p>	<p>DTSC-4</p> <p>4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the EIR.</p>	<p>DTSC-5</p> <p>5) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products,</p>
<p>Response to Comment DTSC-2: See Response to Comment DTSC-1, all required investigation and/or remediation of the site will be under the direct supervision of the City of Calexico and the appropriate federal, state, or local agency.</p>	<p>Response to Comment DTSC-3: As discussed in Section 4.9 Hazardous Materials/Public Safety of the EIR, the proposed project will be required to comply with all federal, state, and local regulations with regards to soil sampling, preparation of a detailed geotechnical analysis, and any remediation and/or recommendations identified by these analysis.</p>	<p>Response to Comment DTSC-4: See response to comment DTSC-1.</p>	<p>Response to Comment DTSC-5: The project site is vacant and no buildings will be demolished with the development of the proposed project.</p>		

Comment Letter
DTSC
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
SIGNED BY GREG HOLMES, DATED OCTOBER 15, 2008 (COMMENT LETTER DTSC) (continued)

<p>mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.</p>	<p>DTSC-5 (cont'd.)</p>	<p>Response to Comment DTSC-6: See response to comment DTSC-1.</p>
<p>6) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.</p>	<p>DTSC-6</p>	<p>Response to Comment DTSC-7: As discussed in the EIR, currently, no sensitive receptors such as schools, parks, hospitals, convalescent homes, or nursing homes are located within or in close proximity to the project site. Land uses surrounding the project site consist of agriculture fields, industrial, and commercial uses. Furthermore, the proposed project is the development of commercial highway uses and a casino resort facility, which would not handle the use of hazardous materials other than the everyday commercial use cleaners, common chemicals used for landscaping and maintenance, and other common chemicals. Therefore, the development of the proposed project is not anticipated to pose a health risk to human health or the environment.</p>
<p>7) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.</p>	<p>DTSC-7</p>	<p>Response to Comment DTSC-8: This comment does not raise a significant environmental issue or concern the adequacy of the EIR. Pursuant to CEQA Guidelines sections 15088 and 15204, no further response is required.</p>
<p>8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.</p>	<p>DTSC-8</p>	<p>Response to Comment DTSC-9: As discussed in Section 4.8 Hydrology and Water Quality of this EIR, per Mitigation Measure HWQ1, the proposed project will be required to obtain coverage under the General Construction Permit, obtain a Waste Discharge Identification Number, and shall prepare an effective site-specific Storm Water Pollution Prevention Plan (SWPPP) subject to approval by the RWQCB. The implementation of Mitigation Measure HWQ1, will ensure impacts related water quality are reduced to a level of less than significant.</p>
<p>9) If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).</p>	<p>DTSC-9</p>	<p>Response to Comment DTSC-10: See Response to Comment DTSC-1.</p>
<p>10) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.</p>	<p>DTSC-10</p>	<p>Response to Comment DTSC-11: See Response to Comment DTSC-1.</p>
<p>11) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary,</p>	<p>DTSC-11</p>	

Comment Letter

DTSC

(cont'd.)

should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

DTSC-11

(cont'd.)

- 12) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be considered responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

DTSC-12

Response to Comment DTSC-12:

This comment does not raise a significant environmental issue or concern the adequacy of the EIR. Pursuant to CEQA Guidelines sections 15088 and 15204, no further response is required.

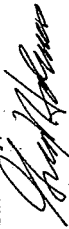
Response to Comment DTSC-13:

This comment does not raise a significant environmental issue or concern the adequacy of the EIR. Pursuant to CEQA Guidelines sections 15088 and 15204, no further response is required.

In future CEQA documents, please provide your e-mail address, so DTSC can send you DTSC-13 comments both electronically and by mail.

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
gmoskat@dtsc.ca.gov

CEQA#2325

Comment Letter
DOJ

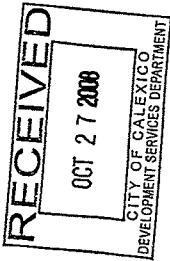
State of California
DEPARTMENT OF JUSTICE

EDMUND G. BROWN JR.
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October 17, 2008

Armando Villa
Development Services Department
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Via e-mail to: armandogv@calexico.ca.gov,
original by U.S. mail.

RE: Draft Environmental Impact Report for the 111 Calexico Place
Request for Extension of Time to Review for Comment

Dear: Mr. Villa

This letter is written, on behalf of the Governor's Office, to request a 14-day extension of time to review the above-referenced report for any comments. As you know, the Draft Environmental Impact Report is a voluminous document that includes a large amount of technical information. The reviewer will need additional time to review the completed report. Furthermore, some of the information contained in the document may require expert consultations from other sources which will also require additional time.

Therefore, we are requesting an allowance of additional time for the review period. At this time there has been no determination as to whether any comments will be made regarding the report, this is merely a request for additional time to review and consult. We ask for your courtesy in allowing an additional 14 days so that any comments made by the Governor's Office will be due by Friday November 21, 2008.

DOJ-1


RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF JUSTICE,
SIGNED BY PATTY BRANDT FOR EDMUND G. BROWN JR., DATED OCTOBER 17, 2008
(COMMENT LETTER DOJ)

Response to Comment DOJ-1:

The City of Calexico granted the Department of Justice's request to extend the public review period for an additional 14 days. The extended public review period (59 days) ended on November 21, 2008.

Comment Letter
DOJ
(cont'd.)

Thank you for your cooperation and immediate response to this request for an extension of time. DOJ-1
(cont'd.)

Sincerely,

PATTY BRANDT
Senior Legal Analyst

For EDMUND G. BROWN JR.
Attorney General

PAB:

SA2003102811
Document in ProLaw

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 633-8251
fax (916) 637-5390
Web Site: naahc.ca.gov
e-mail: do_nahc@pacbell.net

November 6, 2008

Mr. Armando G. Villa, City Planner
CITY OF CALEXICO
608 Heber Avenue
Calexico, CA 92231

Re: SOCH#2007031092, CEQA Notice of Completion, draft Environmental Impact Report (DEIR) for the 111 Calexico Place Specific Plan, a Mixed-Use Development including a Gaming Facility to be Operated by the Manzanita Band of the Kumeyaay Nation, City of Calexico, Imperial County, California

Dear Mr. Villa:

The Native American Heritage Commission (NAHC) is the state trustee agency, pursuant to Public Resources Code §21070, designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15084.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The proposed project is a 232-acre project site in the City of Calexico, 60 acres of which will be devoted to a tribal gaming facility and to be considered by the U.S. Department of the Interior, BIA, to become 'federal trust property.' The BIA will prepare a separate Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) on the 60-acres of tribally-controlled land. The Manzanita Band understands that the project site is within the aboriginal territory of the Kaniia/Kumeyaay people. For that reason, in consultation with the NAHC, they are committed to having a Native American monitor during all phases of the NEPA EA and during the construction activity. The Manzanita Band has assigned its 'cultural resources coordinator' to the proposed project. Because of this the NAHC is confident that Native American cultural resources, if discovered at the project site, will be responsibly protected and/or avoided by proposed project construction activity.

For the balance of the project, to adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916)653-7278/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
- ✓ If a survey is required to determine whether previously unrecorded cultural resources are present
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.

NAHC-1

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, DATED NOVEMBER 6, 2008 (COMMENT LETTER NAHC)

Response to Comment NAHC-1:

This letter recommends a series of actions to determine if any historical or cultural resources may be affected by the proposed project. As described in Section 4.7 Cultural Resources of the EIR, there is one historical site (HAC-CP-1H, Central Main Canal) located adjacent to the project site. The proposed project would involve the extension and construction of two bridges across this historic canal. However, based on Historical Resources Inventory conducted by ASM Affiliates, the construction of the proposed bridges would not result in a indirect adverse effect because the proposed bridges are consistent with the historical access bridges that were previously used to cross these canals. Therefore, a less than significant impact to historical resources was identified.

With regards to cultural resources, no previous studies have been conducted within the project site, not have any archaeological resources been recorded within the project site. Based on this information and the past agricultural disturbance of the project site, it is not anticipated that archaeological resources will be encountered during construction activities. However, if excavation of more than 15 feet is conducted on the project site, archaeological resources may be encountered, which is considered a significant impact. With the implementation of Mitigation Measure CR1 identified in the EIR, which requires extensive archaeological monitoring, recovery, evaluation, curation, and reporting, the impact to archaeological resources will be reduced to a less than significant.

Furthermore, as discussed in Section 4.7 Cultural Resources, of the EIR, a Native American consultation was conducted as part of the cultural resources study. Two responses were received, one from the Kumeyaay Cultural Repatriation Committee and Quechan Indian Tribe, indicating that the tribe are unaware of any sacred lands on the project site. However, the Kumeyaay Cultural Repatriation Committee noted that the entire are has been continually inhabited and requested that if any cultural material and/or remains are discovered during the construction of the proposed project, the project shall stop and they be notified.

As required under Mitigation Measure CR1 for the project, construction of the project will be stopped if human remains or Native American artifacts are found and the Native American Heritage Commission (NAHC) will be notified if the remains are determined to be Native American. In addition, during project grading, the appropriate procedures required by the NAHC will be followed in the event of an accidental discovery.

Comment Letter
NAHC
(cont'd.)

- The NAHC advises the use of Native American Monitors, when profession archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- ✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- ✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

NAHC-1
(cont'd.)

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

David Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Janielle Jenkins, Office of Governor Arnold Schwarzenegger

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno
Boulevard , CA 91905
(619) 478-2113
619-478-2125

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5 Diegueno/ Kumeyaay
Campo , CA 91906
chairman@campo-nsn.gov
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard , CA 91905
(619) 766-4930
(619) 766-4957 Fax

Kwaaymil Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley , CA 91962
(619) 709-4207

Campo Kumeyaay Nation
Monique LaChappa, Chairperson
36190 Church Road, Suite 1 Kumeyaay
Campo , CA 91906
chairman@campo-nsn.gov
(619) 478-9046
(619) 478-5818 Fax

Fort Yuma Quechan Indian Nation
Mike Jackson, Sr., President
PO Box 1899 Quechan
Yuma , AZ 85366
qitpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Torres-Martinez Desert Cahuilla Indians
Raymond Torres, Chairperson
PO Box 1160 Cahuilla
Thermal , CA 92274
(760) 397-0300
(760) 397-8146 Fax

Cocopah Museum
Jill McCormick, Tribal Archaeologist
County 15th & Ave. G Cocopah
Somerton , AZ 85350
(928) 530-2291 - cell
(928) 627-2280 - fax

Manzanita Band of the Kumeyaay Nation
Nick Elliott, Cultural Resources Coordinator
P.O. Box 1302 Kumeyaay
Boulevard , CA 91905
(619) 766-4930
(619) 925-0952 - cell
(919) 766-4957

Quechan Indian Nation
Bridget Nash-Chrabaszcz, THPO
P.O. Box 1899 Quechan
Yuma , AZ 85366
b.nash@quechantribe.com
(928) 920-6088 - CELL
(760) 572-2423

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2007031092; cEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the 111 Calexico Place Specific Plan; City of Calexico; Imperial County, California.

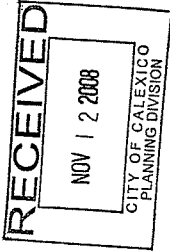
This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2007031092; cEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the 111 Calexico Place Specific Plan; City of Calexico; Imperial County, California.

Comment Letter

PUC ARNOLD SCHWARZENEGGER, Governor



November 6, 2008

Arnano G. Villa
City of Calexico
608 Heber Ave.
Calexico, CA 92231

Dear Mr. Villa

Re: SCH# 2007031092; Draft Environmental Impact Report (DEIR) for the Proposed 111 Calexico Place Project

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission's Rail Crossings Engineering Section (RCES) staff is in receipt of the City of Calexico Draft Environmental Impact Report (DEIR) for the Proposed 111 Calexico Place Project and has reviewed the document for impacts to highway-rail crossings in the area.

The project proposes to develop a 460,000 square foot casino facility complex. The proposed project is located at the southwest corner of the intersection of Jasper Road and State Highway (SH-11). The project location is in close proximity to the Jasper Road highway-rail crossing, identified by CPUC Crossing No. 001BN-705.60, in the City of Calexico, Imperial County. The Union Pacific Railroad Company (UPRR) operates four to six freight trains a day at speed of 40 mph through the crossing.

Staff is concerned with additional vehicles over the Jasper Road crossing resulting from the project impacting safety at the Jasper Road crossing. The DEIR identifies that the project would create a potentially significant impact to traffic in the project area and identifies mitigation measures to reduce the impact to less than significant. However, the DEIR does not address the possibility of vehicles queuing from the nearby intersections back to the tracks on Jasper. Another concern is the construction of driveways in close proximity to the crossing as access points into the casino resort. Driveways in close proximity to a crossing can create a situation where vehicles trying to get into and out the casino prevent vehicles from clearing the crossing. The 111 Calexico Place project presents a potentially significant impact to crossing safety. As a result staff would like to meet with the City to discuss the projects impact on the Jasper Road crossing and how our concerns can be mitigated.

RESPONSE TO COMMENT LETTER FROM PUBLIC UTILITIES COMMISSION, SIGNED BY
LAURENCE MICHAEL, DATED NOVEMBER 6, 2008 (COMMENT LETTER PUC)

Response to Comment PUC-1:

This is an introductory to the letter and a brief summary of the project. No responses are required.

Response to Comment PUC-2:

The addition of significant traffic along Jasper Road is projected to occur from this project, as well as cumulative traffic, which may queue to/past the current railroad crossing. The cumulative mitigation for the project includes improvements to the section of Jasper Road west of the project site, which is identified as Mitigation Measure CUM128 in Section 5.0 Cumulative Impacts of the EIR. According to the City of Calexico, ultimate improvements to the Jasper Corridor for which the project is committed to paying its fair share also provides for necessary upgrades to the railroad crossing.

Response to Comment PUC-3:

The most westerly driveway is located more than 1200' east of the railroad tracks and is configured as a right in/out only driveway. Due to the significant distance, it is not likely that project traffic will queue to the railroad tracks. However, project mitigation for the cumulative condition includes improvement to Jasper Road west of the project site to Dogwood, which is identified as Mitigation Measure CUM128 in Section 5.0 Cumulative Impacts of the EIR. According to the City of Calexico, upgrades to the railroad crossing are included in the Jasper Corridor improvements.

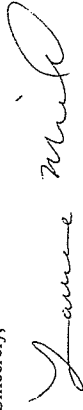
PUC-1

PUC-2

PUC-3

If you have any questions, you may contact me at (213) 576-7076 or ldi@cpuc.ca.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Miller".

Laurence Michael
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Dan Miller, UP



ARNOLD SCHWARZENEGGER
GOVERNOR

Comment Letter

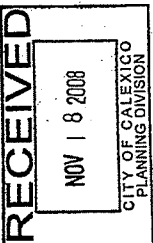
STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRVANT
DIRECTOR

Memorandum

Date: November 5, 2008
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 2007031092
111 Calexico Place



OPR-1

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to November 21, 2008 to accommodate the review process. All other project information remains the same.

cc: Armando G. Villa
City of Calexico
608 Heber Avenue
Calexico, CA 92231

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

111 Calexico Place Specific Plan
Final

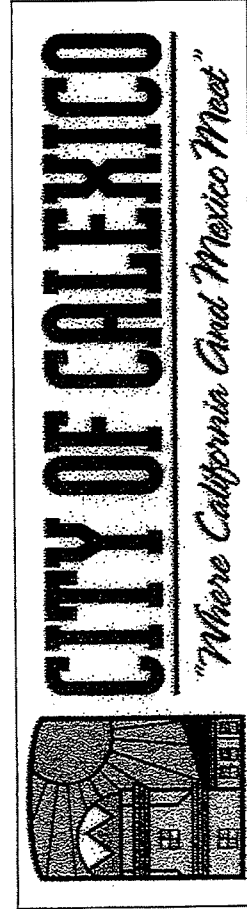
0.3-14

December 2008

RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, SIGNED BY SCOTT MORGAN, DATED NOVEMBER 5, 2008 (COMMENT LETTER OPR)

Response to Comment OPR-1:

This letter acknowledges that State Clearinghouse has received the City of Calexico's letter to extend the public review period for the Draft EIR and that the City of Calexico has complied with the State Clearinghouse public review requirements for the 111 Calexico Place EIR.

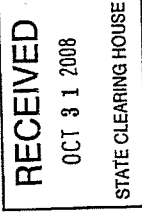


NOTICE OF PUBLIC REVIEW PERIOD EXTENSION
OF DRAFT ENVIRONMENTAL IMPACT REPORT
(SCH No. 2007031092)

TO: RECIPIENT

SUBJECT: NOTICE OF EXTENSION OF PUBLIC REVIEW PERIOD OF THE DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE 111 CALEXICO PLACE
SPECIFIC PLAN PROJECT (SCH No. 2007031092)

Lead Agency:
City of Calexico
Development Services Department
608 Heber Avenue
Calexico, CA 92231
Contact: Armando G. Villa, Director



NOTICE IS HEREBY GIVEN that the City of Calexico, as lead agency, has extended the public review period for the Draft Environmental Impact Report (EIR) for the 111 Calexico Place Specific Plan Project by two weeks. Therefore, the public review period for the Draft EIR now ends on November 21, 2008 instead of November 7, 2008. The 111 Calexico Place Specific Plan Draft EIR Public Review Period is now from September 23, 2008 to November 21, 2008.

Project Title: Draft Environmental Impact Report for the Proposed 111 Calexico Place Project. (SCH No. 2007031092).

Comments: Written comments regarding the Draft EIR should be directed to Mr. Armando G. Villa, Director of Development Services, 608 Heber Avenue, Calexico, CA 92231 and must be received no later than November 21, 2008 (public review period September 23, 2008 through November 21, 2008). A Final EIR incorporating public input will be prepared for consideration by the City of Calexico Planning Commission and City Council at future public meetings. For environmental review information for this project, please contact Mr. Armando G. Villa at (760) 768-2105.

Viva Calexico!

SCH# 2007031092
Project Title 111 Calexico Place
Lead Agency Calexico, City of

Type EIR Draft EIR

Description The proposed project is the development of Commercial Highway (CH) land uses, including a Casino and an entertainment facility within an approximately 232-acre project site in the City of Calexico. The proposed project requires the following discretionary actions by the Calexico Planning Commission and City Council: approval of a Specific Plan, General Plan Amendment, Tentative Tract Map, and approval of a Development and Site Plan process from the City of Calexico.

Lead Agency Contact

Name Armando G. Villa
Agency City of Calexico
Phone (760) 768-2105
email
Address 608 Heber Avenue
City Calexico
State CA Zip 92231
Fax

Project Location

County Imperial
City Calexico
Region
Cross Streets
Lat/Long 32° 42' 19" N / 115° 30' 19" W
Parcel No.
Township
Range
Section
Base

Proximity to:

Highways SH 111, Jasper Road
Airports
Railways
Waterways
Schools
Land Use

Vacant
GP: Industrial (I), Medium Density Residential (MDR), High Density Residential (HDR), and Commercial Highway (CH)
Z: Planned Development (PD)

Project Issues
Air Quality; Biological Resources; Archaeologic-Historic; Toxic/Hazardous; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Traffic/Circulation; Water Supply; Solid Waste; Wildlife; Cumulative Effects

Reviewing Agencies
Resources Agency; Colorado River Board; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 7; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; Other Agency(ies)

Date Received 09/23/2008 Start of Review 09/23/2008 End of Review 11/21/2008

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

PLANNING DIVISION

4050 TAYLOR STREET, M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-4399

TTY 711



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RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG, DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT)

Response to Comment DOT-1:

This is an introductory to the letter and provides a brief description of the project. No response is necessary.

Response to Comment DOT-2:

The County of Imperial and City of Calexico have set impact thresholds at LOS C. The LOS C threshold is the most conservative criteria for all effected agencies. As such, all impacts in the traffic study are based on an LOS C criteria. Additionally, Caltrans Intersecting Lane Volumes (ILV) analysis was conducted on State controlled study intersections on SR-111 and SR-98.

November 20, 2008

11-IMP-111

PM 3:22

Draft EIR – September 2008

111 Calexico Place

SCH 2007031092

Mr. Armando Villa

Director of Development Services

City of Calexico

608 Heber Street

Calexico, CA 92231

Dear Mr. Villa:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (Draft EIR – September 2008) for the 111 Calexico Place Specific Plan project, located at the southwest corner of the intersection of Jasper Road and State Route 111 (SR-111).

DOT-1

As this project includes a Class III tribal gaming facility off-site from the reservation of the Manzanita Band of Kumeyaay Nation, Caltrans would like to reiterate that after the land is in trust status, the Bureau of Indian Affairs (BIA) will prepare a separate National Environmental Policy Act (NEPA) document for the gaming facility, which will also have to comply with the Tribal-State gaming compact provisions for off-reservation impacts. Caltrans will work together with the Tribe and the BIA to ensure that significant off-reservation traffic impacts will be mitigated when the environmental documents are prepared for the gaming project.

Caltrans also has the following comments:

Impact Thresholds

- Page 4.3-25 states the following thresholds:

DOT-2

4.3.2.1 Roadway Segments – If the street segment LOS worsens from LOS D to LOS E or F, the impact is considered significant and direct.

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Comment Letter
DOT
(cont'd)

4.3.2.2 Intersections – If the project worsens the LOS at the study intersection from LOS C or better to LOS D or worse, the impact is considered significant. If the intersection LOS is already LOS D or worse and the project does not degrade the LOS, the impact is considered to be cumulative. If the project does degrade the LOS, the impact is considered a direct impact.

- When a project increases delay to an intersection that is already operating at Level of Service (LOS) F, the project is required to maintain the Measure of Effectiveness (MOE) at the intersection.

All affected State highway segments and intersections that were analyzed using City of Calexico criteria should be updated to reflect the Department's criteria for maintaining LOS C or better, if they differ. Any degradation of operations below LOS C, if currently operating at LOS C or better, is considered a direct impact and should be mitigated. In addition, degradation from LOS D or E to F is a direct impact, and facilities currently operating at LOS F should maintain the current MOE within LOS F or better, but not lower than the current MOE.

Existing plus Project (Casino) Conditions

- Table 4.3-9, Existing + Project (Casino Phase Only) Intersection Operation, should show the "I-8 Westbound/Dogwood (TWSC)" intersection as a direct impact, not a cumulative impact, and mitigation of signalization will be required.

Existing plus Project (Casino + Phase 1) Conditions

- Table 4.3-12, Existing + Project (Casino Phase + Phase 1) Intersection Operation, should show the "I-8 Westbound/Dogwood (TWSC)" intersection as a direct impact, not a cumulative impact. Direct impact mitigation should be the signalization of the ramps with Dogwood Road.
- Table 4.3-12, Existing + Project (Casino Phase + Phase 1) Intersection Operation, should also show the "I-8 Eastbound/Dogwood (TWSC)" intersection as a direct impact, not a cumulative impact, as degradation from LOS E to F is a direct impact. Direct impact mitigation should be the signalization of the ramps with Dogwood Road.
- Table 4.3-12, Existing + Project (Casino Phase + Phase 1) Intersection Operation, should also show the "SR-111/Cole (Signal)" intersection as a direct impact, not a cumulative impact, as degradation from LOS D to F is a direct impact. This is further reinforced with the Intersection Lane Volumes (ILVs) provided on page 4.3-72 which

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RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG, DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)

Response to Comment DOT-3:

This intersection currently operates at LOS F and the project contributes to the LOS F (it does not cause the LOS F), therefore the impact is considered cumulative. The impact is identified and cumulative mitigation is provided in Section 5.0 Cumulative Impacts as MM CUM1.5. Also it should be noted that a current project to improve the ramps at I-8/Dogwood is underway.

Response to Comment DOT-4:

This intersection currently operates at LOS F and the project contributes to the LOS F (it does not cause the LOS F), therefore the impact is considered cumulative. Therefore, the impact is identified and cumulative mitigation is provided in Section 5.0 Cumulative Impacts as MM CUM1.5. Also it should be noted that a current project to improve the ramps at I-8/Dogwood is underway.

Response to Comment DOT-5:

This intersection currently operates at a deficiency with or without the proposed project. Therefore, the impact is identified as a cumulative impact and mitigation is proposed and provided in Section 5.0 Cumulative Impacts as MM CUM1.6. Also it should be noted that a current project to improve the ramps at I-8/Dogwood is underway.

Response to Comment DOT-6:

This intersection currently operates at a deficiency with or without the proposed project. Therefore, the impact is identified as a cumulative impact and mitigation is provided in Section 5.0 Cumulative Impacts as MM CUM1.9.

DOT-2
(cont'd)

DOT-3

DOT-4

DOT-5

DOT-6

Comment Letter
DOT
(cont'd)

Mr. Armando Villa
November 20, 2008
Page 3

RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG,
DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)

DOT-6
(cont'd)

shows SR-111/Cole Road with an ILV of 1773 in the PM Peak, which is greater than the 1500 capacity limit. Direct impact mitigation should be proposed.

Existing plus Project (Casino) Mitigation Measures

- Page 4.3-80 states the following measures:

4.3.5.1 Existing Plus Casino Phase Only

The following describes the mitigation measures that will need to be implemented to reduce significant transportation/circulation impacts, associated with the Casino Phase developed under the existing conditions, to below a level of significance.

A. Roadway Segments

No mitigation is required as no direct impacts were identified.

B. Intersections

1) Jasper Road/SR-111

Prior to the opening for business of any portion of the Casino Phase at the proposed project, the project applicant shall complete construction of an additional eastbound left turn lane.

This project also has direct impact mitigation for Existing plus Project (Casino Phase Only), at I-8 Westbound/Dogwood (TWSC) as stated above.

- In order to minimize construction impacts to SR-111 and Jasper Road, it is preferred that this project complete all mitigated improvements for "Casino phase" and "Casino phase + Phase 1" mitigation prior to the opening day for the Casino phase.

Existing plus Project (Casino + Phase 1) Mitigation Measures

- Table 4.3-18, Existing Plus Casino Phase Mitigated Intersection Operation, should show the following improvements for the Jasper Road/SR-111 intersection:

Prior to opening day for any portion of Phase 1 (Casino phase or Casino + Phase 1 Phase), the project applicant should complete the installation of dual eastbound left-turn lanes (volume is 308 vehicles in the PM Peak per Figure 4.3-21, where 300 vph or greater turning volume is used to quantify the need for dual lefts), a southbound right-turn lane (volume is 367 PM Peak per Figure 4.3-21), a standard length northbound left-turn lane to decelerate entirely in the left turn lane and store the left turn volumes (volume is 279 PM Peak per Figure 4.3-21), and an eastbound right turn lane (volume is 252 PM Peak per Figure 4.3-21), with a dedicated through lane in both the eastbound and westbound directions of Jasper Road as part of this project's Direct Impact Mitigation.

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Comment Letter

DOT
(cont'd)

RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG, DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)

DOT-10

- In addition, as part of the mitigation discussion, the project document should list the required direct impact mitigation for SR-111/Cole Road and I-8/Dogwood Road, whether this project or others will complete such work or not.

DOT-11

- An analysis for the SR-111/McCabe Road intersection and the SR-111/I-8 ramps is not included. This analysis and any necessary mitigation should be included as part of the Draft EIR and Traffic Impact Study (TIS) for all project phases.

- This project has a direct impact, not a cumulative impact, at SR-111/SR-98. Enough variance exists in volume to assume that 2015 volumes cause the intersection to operate at capacity, and this project adds significant volume to cause the intersection to operate over capacity. Since it is not planned for this intersection to have a diamond interchange and be part of the planned Freeway segment, mitigation should be proposed to mitigate this project's impact. The mitigation should be sufficient enough to bring the intersection to a capacity level to sustain current LOS and delays or improve upon existing LOS and delays. The altering or coordinating of signals and timing have not adequately been shown to mitigate this project's impacts to a sufficient level in the provided Draft EIR. Any analysis using this proposal must assume that all allowable green time will be provided for mainline SR-111 traffic.

DOT-12

DOT-13

- Widening of the bridge is a part of the ultimate improvements for the I-8/Dogwood Road interchange. The project has direct and cumulative impacts to this interchange, and mitigation toward this ultimate improvement should be identified.

General Comments

- The project site plan shows some portions of the project to be at or in very close proximity to State Right-of-Way (R/W). This is a concern due to the eventual footprint of a planned Freeway Interchange at the SR-111/Jasper Road intersection. The 2007 Imperial County Transportation Plan Highway Element (ICTP) plans for the upgrade of SR-111 to a 6-lane Freeway with interchanges at several locations. Caltrans has coordinated with the City of Calexico on several occasions to identify the needed R/W to accommodate a Freeway Interchange at SR-111 and Jasper Road that would be necessary to meet the future transportation needs of the region.

The California Freeway and Expressway system has been constructed with a large investment of public funds. Understanding the importance of SR-111 as a goods movement corridor and a potential upgraded Jasper Road as part of the regional transportation network, as well as establishing funding for the necessary improvements, Caltrans developed a Project Study Report (PSR) for SR-111 and commissioned a study for SR-98 East to determine the various lane configurations and alternatives that would be required to build the necessary improvements. The SR-111

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Response to Comment DOT-10:

As noted previously, the project does not have direct impacts at these locations. It is our understanding that the I-8/Dogwood interchange has a current improvement project. The proposed project does contribute to the cumulative need for these improvements and mitigation through fair share payment is provided at these location, which is discussed on pages 5-8 through 5-13 of the Section 5.0 Cumulative Impact of the EIR.

Response to Comment DOT-11:

It is our understanding through discussions with Caltrans that the SR-111/McCabe Road intersection does not allow through traffic from McCabe to SR-111, therefore this intersection is considered to not exist at this time. The SR-111 interchange with I-8 is a cloverleaf design without any traffic controls (such as traffic signals or stop signs) and is not subject to traffic analysis programs, because there is no approved program that analyzes a non-controlled intersection (i.e., no vehicles have to stop to enter/exit the cloverleaf, so no delay values exist and therefore no level of service can be applied to the delay). The Caltrans ILV methodology applies only to signalized intersections.

Response to Comment DOT-12:

Understanding that the Year 2015 scenario includes significant cumulative traffic volumes throughout the City of Calexico and County of Imperial, the proposed project is part of the base condition which generates this level of development and subsequent traffic volumes. As such, the project is part of the cumulative impacts since deficiencies at this location exist with or without the proposed project. The mitigation to participate in constructing additional lanes is the only feasible and reasonable mitigation due to the lack of right of way or the ability to improve this intersection beyond an "at-grade" configuration which can only achieve LOS D for the Year 2015 condition. The LOS D condition is considerably improved over the LOS F condition, which exists prior to mitigation.

DOT-14

The mitigation for signal coordination is recommended under the future condition (year 2035), not the near term (year 2015) cumulative condition. In future scenarios, where development parcels are completely built out and no other development can be constructed, it would be reasonable to assume that some intersections cannot be mitigated to the LOS C standard.

**RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG,
DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)**

Response to Comment DOT-13:

The project does have cumulative impacts (not direct) at this location and mitigation is recommended for fair share improvements, which would include any necessary bridge widening as determined by the ultimate improvement project for this location.

Response to Comment DOT-14:

The latest Conceptual Site Plan for the project which is provided as Figure 2-3 in the EIR takes into account our best understanding of the future conditions at the intersection of Jasper Road/State Highway 111. This information was given to the City of Calexico by Caltrans in November 2007 and was verified to be correct at that time.

The southwest corner of this intersection shows the service road that follows along the east perimeter of the 111 Calexico Place site area to be roughly 190 feet farther west than what is currently on the ground. In meetings, the City of Calexico has been told that this is sufficient for Caltrans' needs, keeping in mind that the information given to our team was not in CAD format at the time received; therefore, it may well not be accurate to the nearest foot. Internal to the site our conceptual site plan shows a variety of retail and restaurant uses. These uses are speculative in nature, and are based on current market trends and are subject to change as the project design finalizes. Ultimately the City Engineer will review the final sites plans and will consult with Caltrans staff for accuracy.

Comment Letter

DOT
(cont'd)

Mr. Armando Villa
November 20, 2008
Page 5

RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG, DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)

DOT-14 (cont'd)

PSR and SR-98 East Study identify R/W for a 6-lane Freeway and developed a design footprint for the interchanges on SR-111. Caltrans has provided the City with copies of these documents.

Response to Comment DOT-15

The City Engineer will ensure compliance with all applicable requirements.

DOT-15

- No access will be provided from SR-111 except from Jasper Road. Any access from Jasper Road must meet the minimum requirements for a Freeway Interchange, which is planned for this intersection, and should conform to the standards outlined in the Highway Design Manual Topic 504.3 Ramps: For new construction or major reconstruction of interchanges, the minimum distance (curb return to curb return) between ramp intersections and local road intersections should be 400 feet. The preferred minimum distance should be 500 feet.

Response to Comment DOT-16:

The City Engineer will ensure compliance with all applicable requirements.

Response to Comment DOT-17:

As discussed in Section 4.8 Hydrology and Water Quality of the EIR the project would not increase runoff off-site, all storm water runoff will be capture on-site and will flow through an adequate storm drain system. Furthermore no drainage would be modified or runoff increased on State facilities.

DOT-16

- Any signalized intersections on the Jasper Road corridor should be placed at half mile spacing if the future intention is for this corridor to become part of the State highway system.

Response to Comment DOT-18:

The City Engineer will ensure compliance with all applicable requirements.

DOT-17

- Grading for this proposed project which would modify existing drainage and increase runoff to State facilities will not be allowed.

Response to Comment DOT-19:

As discussed in Section 4.2 Aesthetics/Visual Quality of the EIR, all lighting for the proposed project will be reviewed by the City for compliance with the City's Municipal Code for lighting. In addition, shielding devices or other light pollution limiting mechanisms would be utilized to reduce light pollution impacts on the surrounding area.

DOT-18

- The Lead Agency is responsible for requiring its permit applicants to provide any additional highway planting called for by its community standards. The Lead Agency and the developer will need to enter into an agreement with Caltrans as to who will be responsible for the proposed maintenance of the highway planting prior to any work within the State right-of-way.

DOT-19

- All lighting (including reflected sunlight) within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on SR-111.

Response to Comment DOT-20:

This comment does not raise a significant environmental issue or concern adequacy of the EIR. Pursuant to CEQA Guidelines sections 15088 and 15204, no further response is required.

DOT-20

- Caltrans will not be held responsible for any noise impacts to this development, including from the ultimate configuration of SR-111.

Response to Comment DOT-21:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

DOT-21

- The developer or local agency will be responsible for the preparation of a Project Report that will be required for all locations where a traffic signal is proposed within State R/W. The California Manual of Uniform Traffic Control Devices (MUTCD), Section 4B.102(CA) Project Report Standard, is provided for reference. The Caltrans District should prepare a project report of the investigation of conditions at locations where a new traffic signal is to be installed, an existing traffic signal is to be modified, or an existing traffic signal is to be removed on the State highway. The Caltrans District Directors are authorized to approve project reports in accordance with the current departmental policies contained in the Project Development Procedures Manual. Three copies of the District-approved project report should be forwarded to the Caltrans Chief of State and Local Project Development. A project report should

"Caltrans improves mobility across California."

Comment Letter

DOT
(cont'd)

be prepared whether the work is performed by the State or by others, if the traffic signal is located on the State highway.

DOT-21 (cont'd)

- Caltrans supports Fair Share contributions for all cumulative impact mitigations, which would be in addition to the Direct Impact Mitigations outlined in the Draft EIR. Please update the EIR and all correlating analyses, and provide impact mitigation for the listed intersections shown as having a direct impact from this project. In addition, cumulative project impact mitigation should be included, and designated work (i.e. addition of lanes, traffic control devices) should be outlined in the project mitigation section to clearly define what improvements are required and at what phase in the project each impact mitigation will be in place. All cumulative impacts should be outlined at each impacted intersection with the necessary improvements required to maintain or improve delay or capacity, and the fair share percentage identified.

DOT-22

Response to Comment DOT-22:
The traffic mitigation measures are identified in Sections 4.3 Transportation/Circulation and 5.0 Cumulative Impacts of the Final EIR. In addition, all impacts and mitigation measures are summarized in the Executive Summary Table (Table ES-1) of the EIR. This information is provided in the Mitigation, Monitoring and Reporting Program provided in the Final EIR.

Response to Comment DOT-23:
The City will work with Caltrans.

Response to Comment DOT-24:
A Mitigation Monitoring and Reporting Program is provided in the Final EIR.

Response to Comment DOT-25:
The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

DOT-23

- Direct impact mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Permit, Cooperative Agreement between Caltrans and the Lead Agency, or a Highway Improvement Agreement (HIA) between Caltrans and the project proponent. Cumulative impacts can be collected through the Lead Agency, or through an agreement directly with Caltrans for the collection of fair share mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

DOT-24

- The California Environmental Quality Act (CEQA) requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring program should be submitted to Caltrans.

DOT-25

- Any work performed within Caltrans R/W will require discretionary review and approval by the Department. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not

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Comment Letter

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(cont'd)

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limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER an encroachment permit would be issued.

In order to expedite the Caltrans Encroachment Permit Review process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM):

<http://www.dot.ca.gov/hq/opnd/pdpm/pdpmn.htm>

http://www.dot.ca.gov/hq/trafficops/developserv/permits/pdf/forms/PEER_TR-0112.pdf

- The applicant's environmental document must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to Caltrans R/W. Environmental documentation should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts in State R/W.

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant may be required to acquire and provide these to Caltrans before the permit can be processed, potentially resulting in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

- When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

- An encroachment permit will be required for all traffic signal installations or modifications. Section 4B.112(CA) Encroachment Permits Standard is included for reference. Encroachment permits are required for a local agency or a private party to install or modify traffic signals and street lighting on a State highway.

- Guidance: Plans and Specifications prepared by Permittees should conform to State Standard Specifications, Standard Plans and be submitted to the Caltrans District for review and approval.

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RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG, DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)

Response to Comment DOT-26:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

Response to Comment DOT-27:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

Response to Comment DOT-28:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

Response to Comment DOT-29:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

DOT-25
(cont'd)

DOT-26

DOT-27

DOT-28

DOT-29

Comment Letter

DOT
(cont'd)

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- Standard: In each case, a statement of ownership, maintenance, and operation shall be included in the permit. **DOT-30**

- Improvement plans for construction within Caltrans R/W must include typical cross sections, adequate structural sections, traffic handling plans, and signing and striping plans stamped by a professional engineer. All construction must be in conformance with the Americans with Disabilities Act (ADA) requirements. **DOT-31**

- Caltrans encourages other multi-modal options to relieve traffic congestion, such as bicycle and pedestrian enhancements and transit improvements. **DOT-32**

Caltrans should receive any notices in advance of scheduled public hearings. If you have any questions, please contact Connery Cepeda at (619) 688-6968.

Sincerely,



JACOB ARMSTRONG, Chief
Development Review Branch

RESPONSE TO COMMENT LETTER FROM STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 11, PLANNING DIVISION, SIGNED BY JACOB ARMSTRONG, DATED NOVEMBER 20, 2008 (COMMENT LETTER DOT) (continued)

Response to Comment DOT-30:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

Response to Comment DOT-31:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

Response to Comment DOT-32:

The City's Development Services Department-Building Division will ensure compliance with all applicable requirements.

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Page 9

bc: Bill Figge (MS 240)
Mark Bobotis (MS 240)
Michael Powers (MS 230)
Hoa Bui (MS 230)
Troy Bucko (MS 230)

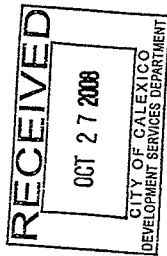
"Caltrans improves mobility across California"



County of Imperial
Building Roads into the Next Century
PUBLIC WORKS DEPARTMENT

October 23, 2008

Mr. Armando G. Villa
Director of Development Services
City of Calexico
608 Heber Avenue
Calexico, CA 92231



SUBJECT: Draft Environmental Impact Report for the 111 Calexico Place Specific Plan (Uniform Application No. 2006-14) (ACH No. 2007031092), Jasper Road.

Dear Mr. Villa:

This letter is in response to your memorandum and Draft Environmental Impact Report for the proposed 111 Calexico Place Development received on September 25, 2008. The proposed site is located at the southwest corner of the intersection of Jasper Road and State Highway (SH) 111 within City of Calexico limits. Jasper Road borders the irregular shaped site on the north, on the east by SH 111, and to the south and west by the Dogwood Canal (unlined channel) and Central Main Canal (unlined channel). The proposed 232-acre site consists in the development of Commercial Highway land uses, proposing to develop 459,621 square foot Class III gaming casino facility, including a 93,880 square foot casino gaming area, 400 hotel rooms, 411,000 square foot of retail space, 110,000 square feet of restaurant space, 395,000 square feet of office space, 340,000 square feet of office tech space, and a 20,800 square foot police/fire station in five phases over a period of 11 years.

Department Staff has reviewed the document and has the following comments should be addressed:

Page ES-7, Table ES-1 "Summary of Significant Impacts and Mitigation Measures".

- I. Lists recommended Mitigation Measures for Existing plus casino and existing plus casino and phase I of project's development. Mitigation Measures should be provided for the commercial highway development which includes the development of 395,000 sf. of office space and 340,000 sf. of office tech space.
- II. Mitigation MMT2 and MMT3 for roadway segments Dogwood Road from I-8 to McCabe Road and Dogwood Road from McCabe Road to Heber Road states that prior to the opening for business of any portion of Phase I of the proposed (assuming Casino Plaza buildout is complete) the project applicant shall complete construction of a four lane major roadway and all related roadway and infrastructure improvements in accordance with the specifications of the County of Imperial. Please note

155 South 11th Street, El Centro, CA 92243-2853. Tel: (760) 482-4462 • Fax: (760) 352-1272
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Comment Letter
ICPWD

RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23, 2008 (COMMENT LETTER ICPWD)

Response to Comment ICPWD-1:

CEQA requires that the executive summary provide a list of the impacts and mitigation measures of a project. The proposed project will only result in direct traffic impacts during the existing plus casino and existing plus casino and phase I, all other phases of the development result in cumulative traffic impacts. Cumulative traffic impacts and mitigation measures are provided in the executive summary table after Section 4.12 - Geology/Soils.

Response to Comment ICPWD-2:

The Mitigation Measure T2 and T3 provide for the minimum paved travel lanes required to reduce the impact to an acceptable level of service. As in all cases of roadway mitigation, adequate right of way must be preserved for the ultimate buildout configuration/classification of the roadway even though less pavement may be required in the near term. The agency should be responsible in securing the rights of way for its ultimate geometric section requirement with the adjacent property owners via development projects and/or establish a rights of way acquisition procedure and process for this off-site corridor of the applicant.

ICPWD-1

ICPWD-2

Comment Letter
ICPWD
(cont'd)

Dogwood Road under the latest approved General Plan Circulation Element is classified as a modified Prime Arterial (6 lanes with transit lane). In order to accommodate the proposed road improvements, sufficient right of way will need to be provided by applicant. Additionally currently Dogwood Road from I-8 to El Centro City Limits is a 4 lane road and the County is currently in the design stages to construct Dogwood Rod from El Centro City Limits to McCabe Road to four lanes. Please correct/ address document as required.

ICPWD-2
(cont'd)

III. MM T6: Dogwood Road/McCabe Road (North/South) intersection. Prior to the opening for business of any portion of Phase 1, the project applicant shall realign McCabe Road at Dogwood Road and install an additional traffic signal. This intersection is currently in the design stages, a traffic signal will be installed as per the tri-party agreement between County, City of El Centro and IV Mall Developer. Fair share cost should be provided by applicant to mitigate the impacts to this intersection due to the Casino and future phases of improvements.

ICPWD-3

IV. MM T7: Dogwood Road/Wiloughby Road intersection. Prior to the opening for business of any portion of Phase 1, the applicant shall complete installation of an additional traffic signal, realign onto the Jasper road realignment, and add a southbound left turn lane.

ICPWD-4

V. MM T8: Jasper Road/Scaroni Road intersection. Prior to the opening for business of any portion of Phase 1, the project applicant shall complete installation of an additional traffic signal and westbound left/northbound right lane. This intersection shall be realigned with development of the proposed project.

VI. MM T10: Dogwood Road/Cole Road intersection. Prior to the opening of any portion of Phase 1, the project applicant shall complete installation of an additional traffic signal.

These proposed mitigations will require the applicant (As stated in DEIR) to provide intersection improvements that will require tremendous amount of right of way. A mechanism should be including specifying time frame & cost of improvements to be constructed respectively.

ICPWD-5

VII. MM T11: Transportation Services. Although no impact to the policies for alternative transportation were identified, the project is still required promotes alternative transportation, in order to reduce traffic and air quality impacts associated with the proposed project. The project proponents shall consult with Kathy Williams- Administrative Analyst III with Imperial County Executive Office for Imperial Valley Transit services and facilities. Additionally, the Transportation Demand Management Plan should also be submitted to County for review and approval.

VIII. MM CUM4: All roadway segments. The following circulation improvements with roadway segments are required of the proposed project by the City of Calexico:

ICPWD-6

RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23, 2008 (COMMENT LETTER ICPWD) (continued)

Response to Comment ICPWD-3:

The impact to Dogwood/McCabe is identified in the traffic study (refer to page 43, and page 50/ Table 13 of the August 8, 2008 traffic study (Appendix B of the EIR) and page) with the addition of Phase 1 project traffic. Recommended mitigation for realignment and signalization is identified on page 87 (Existing Plus Casino+Phase 1 Intersections) mitigation. In case of a more extensive improvement required by other project mitigation measure, the applicant can make its impact fair share contribution to the overall project.

Response to Comment ICPWD-4:

A Mitigation Monitoring and Reporting Program is attached to the Final EIR, which identifies the timing and implementation responsibility of each of all of the mitigation measures identified in the EIR. As identified in Section 5.0 Cumulative Impacts of the EIR, Mitigation Measures CUM41 through CUM430 have been revised to clarify the City's plan to determine fair share costs and implementation of mitigation measures. Furthermore, in the case of the fair share contribution and other signalization projects, fair share percentages and cost distribution are identified in Tables 5-17, 18, 19, 20, and 21 of the Final EIR.

Response to Comment ICPWD-5:

In preparing the Transportation Demand Management Plan, the project applicant will consult with Kathy Williams, Administrative Analyst III with the Imperial County Executive Office, to coordinate transit services and to ensure the Plan complies with requirements for bus stops or transfer centers in or near the project.

Response to Comment ICPWD-6:

As identified in Section 5.0 Cumulative Impacts of the EIR, Mitigation Measures CUM41 through CUM430 have been revised to clarify the City's plan to determine fair share costs and implementation of mitigation measures.

Comment Letter
ICPWD
(cont'd)

1. Prior to the issuance of a building permit, the applicant shall participate in a "fair-share" widening of the bridge crossing on Bowker Road over the Central Main Canal and the All American Canal.
 2. Prior to the issuance of a building permit, the applicant shall participate in a "fair-share" cost of widening SR-98 from Klope Road to Cole Road.
 3. Prior to the issuance of a building permit, the applicant shall participate on a fair share basis to fund the development and implementation of a Traffic Mitigation Monitoring Program (TTMP) to monitor the operating levels of service for SR-98, SR-111, Jasper Road, Cole Road, and Bowker Road as well as each of the cumulatively impacted intersections that serve the project.
 4. Prior to the issuance of a building permit, the applicant shall participate in a "fair-share" to fund the development and implementation of a Master Computing Monitoring System at City Hall for synchronizing and monitoring traffic signals and progressive traffic flow on SR-98, SR-111, Jasper Road, Cole Road and Bowker Road.
 - MM CUM17: Dogwood Road: McCabe Road to SR-86. Prior to the issuance of a building permit, the applicant shall pay a fair share contribution to improve this roadway segment to a primary facility.
 - MM CUM18: Dogwood Road: SR-86 to Jasper Road. Prior to the issuance of a building permit, the applicant shall pay a fair share contribution to improve this roadway segment to a primary facility.
 - MM CUM26: Cole Road/Yourman Road (Rockwood). Prior to the issuance of a building permit, the applicant shall pay a fair share contribution for the construction of additional travel lanes (eastbound through, westbound through, northbound through, and southbound through) at this intersection.
 - MM CUM129: Jasper Road Corridor. As part of the Jasper Corridor improvements, prior to issuance of a building permit, the applicant shall pay a fair share contribution for the construction of a "clover-leaf" design to facilitate traffic in this congestion area.
- Any fair share percentages and/or proposed improvements within County jurisdiction shall be reviewed and approved by the Director of Public Works for Imperial County. A mechanism should be established for the County to collect fair share cost of proposed improvements respectively.

IX. The EIR or Traffic Study did not consider the impact of the East Border Crossing. The proposed project will generate an increase in trips across the border that would significantly increase the traffic on already dilapidated County roads.

Page 2-6, 2.4.4.2 On-Site Circulation; Future Sunset Boulevard/ Proposed Scaroni Road extension.

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RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23, 2008 (COMMENT LETTER ICPWD) (continued)

Response to Comment ICPWD-7:

The Traffic Study prepared for this EIR considered the majority of the traffic from this project will use the City of Calexico's downtown border crossing. An assertion is being made in this comment that traffic from the project will come from the East Border Crossing Expansion; however, no evidence to support this assertion has been provided. Nevertheless, this EIR requires an enforceable mechanism be negotiated with the County through Mitigation Measure CUM130 (as identified in the EIR) to mitigate traffic impacts. If evidence that supports the County's assertion that substantial traffic will be generated by this project from the East Border Crossing, committed mitigation monies could be reallocated through the process and would be subject to any subsequent environmental analysis.

ICPWD-6
(cont'd)

ICPWD-7

Comment Letter
ICPWD
(cont'd)

- X. Consideration should be taken to ensure the proposed location of Future Sunset Boulevard will allow for the minimum requirement for a freeway interchange, which is planned for the intersection.

ICPWD-8

Page 2-17, Discretionary Actions or Approvals by other agencies.

- XI. An encroachment permit will be required for any work within County road right of way on any impacted intersections not just Jasper Road. Correct document as required.

ICPWD-9

Page 4.2-2, C. Imperial County General Plan.

- XII. Imperial County Circulation and Scenic Highway Element was revised and approved by the Board of Supervisors in January 2008. Please revise document as required.

ICPWD-10

Page 4.3-1, 4.3 Transportation/ Circulation; 4.3.1 Existing Conditions.

- XIII. State Route 111 & 98 are classified as an Expressway requiring two hundred ten (210) feet of right-of-way, being one hundred five (105) feet from existing road centerline. Please contact Caltrans for any right of way requirements.

ICPWD-11

- XIV. Dogwood Road is classified as a modified Prime Arterial requiring one hundred sixty four (164) feet of right-of-way, being eighty two (82) feet from existing road centerline. Please correct as required.

ICPWD-12

- XV. Bowker Road is classified as an Expressway Road requiring two hundred ten (210) feet of right-of-way, being one hundred five (105) feet from existing road centerline. Please correct as required.

ICPWD-13

- XVI. Heber Road is classified as Prime Arterial requiring one hundred thirty six (136) feet of right-of-way, being sixty eight (68) feet from existing road centerline from SR-111 to Anderholt Road. Please correct as required.

ICPWD-14

- XVII. Meadows Road is classified as a Major Collector requiring eighty four (84) feet of right-of-way, being forty two (42) feet from existing road centerline. Please correct as required.

ICPWD-15

- XVIII. Some of the above mentioned roads may need to be re-classified to accommodate the anticipated increase of traffic.

ICPWD-16

Page 4.3-4, B. Intersections.

RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23, 2008 (COMMENT LETTER ICPWD) (continued)

Response to Comment ICPWD-8:

Preliminary design of the cloverleaf interchange at Jasper Road/State Route 111 will require review by the Civil Engineer to determine the planned right of way requirements. The project will be required to meet City, County, and Caltrans minimum spacing requirements for all intersections located in the public right of way. If deviations to the standard are proposed, a separate application for such deviations will be required with approval by the appropriate jurisdiction(s).

Response to Comment ICPWD-9:

Section 2.6 Discretionary Actions or Approvals by Other Agencies of the EIR (page 2-17) has been revised address this comment. No further impacts or mitigation measures are identified or have been revised with this revision.

Response to Comment ICPWD-10:

Page 4.2-2 of the EIR and the traffic study has been revised to state that the Circulation Element and Scenic Highway Element was revised in January 2008. No further impacts or mitigation measures are identified with this revision.

Response to Comment ICPWD-11:

The right-of-way requirement for State Route 111 does not directly effect the conclusions and recommendations within the traffic impact study and EIR. The Civil Engineer of the project would be required to review the right of way requirements to ensure the project does not unnecessarily impose on Caltrans ultimate width. The applicant is providing 105 feet of ROW along Jasper Road.

Response to Comment ICPWD-12:

The Dogwood Road ultimate classification as a Prime Arterial has been revised within the traffic impact study and EIR where necessary. Note that mitigation for this facility is identified as requiring minimum Prime Arterial standards in the future condition.

Response to Comment ICPWD-13:

The Bowker Road ultimate classification as an Expressway Road will be updated within the traffic impact study where necessary. Note that mitigation for this facility is identified as requiring minimum Prime Arterial standards in the future condition, as projected traffic volumes currently do not required the full Expressway Road standards. Ultimate right of way for an Expressway Road should be maintained until such time traffic volumes require full circulation element improvements. The southern section from Second Street to north of Jasper Road within the City of Calexico Sphere of Influence has a R/W width from 100 feet to 126 feet.

**RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS
DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23,
2008 (COMMENT LETTER ICPWD) (continued)**

Response to Comment ICPWD-14:

The Heber Road ultimate classification as a Prime Arterial has been revised within the traffic impact study and EIR where necessary. Note that Heber Road is not significantly impacted by this project.

Response to Comment ICPWD-15:

The Meadows Road ultimate classification as a Major Road will be updated within the traffic impact study where necessary. Note that mitigation for this facility is identified as requiring minimum Prime Arterial standards from Cole Road to SR-98 in the future condition due to projected cumulative and future traffic volumes, which exceed the Major Road threshold. As stated in Response to Comment ICPWD-16 below, some roadways may need to be reclassified and meet anticipated traffic increases when the City/County reevaluate Circulation Element needs. It should be noted that the project does not create the need for potential circulation road amendments. Mitigation in Section 5.0 Cumulative Impacts of the EIR has been proposed to provide a fair share toward Monitoring programs to track actual increases in traffic to the area.

Response to Comment ICPWD-16:

It is noted that many roadways within the City/County may require amendment to the Circulation Element based on the expected levels of development within the City and County. It should be noted that the proposed project does not create the need for potential circulation road amendments. Mitigation for the project has been proposed to provide a fair share toward Monitoring programs to track actual increases in traffic to the area.

XIX. Key intersections incorrectly states Dogwood Road Intersection with Abatti Road. It should be noted that Correll Road lies west of SR-111 and Abatti Road lies east of SR-111. Please correct as required.

ICPWD-17

Page 4.3-19, Table 4.3-2 Existing Conditions Intersection Operation.

XX. Existing traffic volumes for each of the potentially impacted intersections and street segments were collected and shown in this table. Review of the traffic volume data indicates that the traffic counts did not account the volumes for trucks for those heavily truck-impacted intersections and street segments take SR-111 and Cole Road and SR-98 and Cole Road. These streets carry a disproportionately high volume of truck traffic. Heavy truck traffic can seriously reduce the traffic-carrying capacity of an intersection or roadway. The traffic study needs to be revised to re-count those high truck study intersections and street segments and appropriately address the truck traffic factor.

ICPWD-18

The Traffic Study should include the following Intersections:

- a. Jasper Road @ Barbara Worth Road
- b. Jasper Road @ Anderholt Road
- c. Clark Road @ McCabe Road
- d. Anderholt Road @ Hwy. 98
- e. Barbara Worth Road @ Hwy. 98
- f. Pitzer Road/ SR-86
- g. Pitzer Road/ Jasper road

ICPWD-19

Page 4.3-21, 4.3.1.3 Transit Service.

XXI. It should be noted that there is a transit route between Calexico and the IV Mall on Saturdays.

ICPWD-20

Page 4.3-33, Figure 4.3-7 Near Term Project Distribution.

XXII. The estimated trip distribution coming from the east seems too low due to the east port of entry. It is expected that a majority of traffic will come from the west therefore impacting County facilities. The traffic should be revised to re-evaluate the already impacted roadway segments and intersections.

ICPWD-21

Page 4.3-72, Jasper road- Thoroughfare Arterial.

XXIII. The County should be included in the fair share contributions required for the applicant to contribute into the Jasper Corridor Benefit Assessment District, which was created by the City to pay for these improvements to Jasper Road.

ICPWD-22

Page 4.3-78, 4.3.3.7 Alternative Transportation.

Response to Comment ICPWD-17:

The labels of the intersection of Dogwood/Abatti will be corrected to read Dogwood/Correll Road.

Response to Comment ICPWD-18:

The traffic study did not specifically convert existing volumes into passenger car equivalents (pce) as truck classification counts were not required during project scoping. However, the analysis software for intersection operation includes truck factors, which calculate the effect of trucks through intersections prior to determining delay and level of service. On arterial street intersections, truck traffic is included at approximately 2 percent for each traffic movement (i.e., left/through/right turns), and on SR-111 and SR-98, truck traffic is included at approximately 6 percent for each traffic movement. Roadway segment operation is typically controlled by the operation of its intersections along the length of the segment. As such, it is not necessary to increase the roadway segment volumes to account for large vehicles.

Although truck classification counts were not taken at the time of the study, the following discussion demonstrates the traffic study documented conservative delay values to account truck factors.

As an example, assuming a highly conservative truck percentage of 15% on Jasper Road, which has approximately 1,000 daily vehicles, truck trips would equate to 150 of those trips. The cumulative projects in the area generating over 300,000 daily trips are primarily the result of dense residential and cumulative land uses. As the increase in traffic along Jasper Road occurs (for example in Year 2015 to over 25,000 vehicles per day), the anticipated truck percentages which are significantly lower for residential and commercial land uses, will ultimately decline to approximate the 2% analyzed in the traffic study (or 500 truck trips in Year 2015).

Additionally, since traffic counts on Jasper Road are over 18% lower than our conservative analysis (refer to Response to Comment HPUD-2), this would allow for significant amount of truck traffic (18% trucks at a 2.0 passenger car equivalent). As such, the traffic analysis provides conservative delay values to adequately address the potential of increased truck traffic.

Response to Comment ICPWD-19:

Intersection (b) is a minor intersection, which currently does not exist and cannot be counted. Intersection (c) is beyond the scope of our study area and the project does not distribute significant traffic to this location. Intersection (f) does not generate

**RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS
DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23,
2008 (COMMENT LETTER ICPWD) (continued)**

Response to Comment ICPWD-19: (cont'd.)
significant project traffic and does not require analysis. Intersection (g) is already included in the analysis. Regarding intersections (a), (d), and (e), although the project may generate traffic to these locations, currently mitigation is proposed to improve regional facilities, including roadway segments and intersection controls such as traffic signals, for facilities which provide access to the proposed border expansion (refer to Mitigation CUM130). It is the opinion of the traffic engineer that prepared the traffic study for the project, that this mitigation sufficiently covers any project impacts which would occur at removed locations near the border access points wherein the project may add traffic.

Response to Comment ICPWD-20:
The EIR has been revised to incorporate the transit information provided in this comment.

Response to Comment ICPWD-21:
This comment is contradictory, stating that the project's "distribution from the east seems too low due to the east port of entry. It is expected that the majority of traffic will come from the west." Regardless, the overall distribution adequate reflects orientation to the south/east (border locations) approximately 43% (or nearly half the project traffic to two border crossings), and the west/north orientation (freeway locations) approximately 40%, with the remaining percentage (17%) absorbed within the community and adjacent to the site. No changes to the project distribution are anticipated based on this comment.

Response to Comment ICPWD-22:
The Jasper Corridor Benefit Assessment District (District) has not been formalized and/or completed yet. The District established the Jasper Road limit from approximately Sunset Blvd to about one half mile east of Bowker Road for a four lane roadway improvement. The City and the applicant of this project agrees that the County should be included in the fair share contributions and will be conditioned to participate for the fair share cost of this improvement, which is discussed in more detail in Response to Comment ICPWD-6 above.

Comment Letter
ICPWD

(continued)

XXIV. It is stated that there are no current plans to include any bus turn-out locations on the project site, since it is anticipated that a bus service system will be provided by the Casino for Casino patrons. What about bus services for the retail, and office space? Kathy Williams-Administrative Analyst III with Imperial County Executive Office is the coordinator for transit services and it is advisable to contact her for bus stops or transfer centers requirements in or near the project.

ICPWD-23

Pages 4.3-95 & 4.3-97, Figure 4.3-24 & Figure 4.3-25

XXV. These two figures show the existing + project (Casino phase + Phase 1) Intersection Mitigation north and south respectively. But no mention of any proposed mitigations for the east. The traffic study should be revised to evaluate County impacted intersections and road segments located east of the project (see comment, page 4.3-19).

ICPWD-24

Page 4.8-3, 4.8.1.3 Existing Flooding.

XXVI. The project should be evaluated using the latest revised Firms Maps.

ICPWD-25

Page 4.11-4, 4.11.1.3 Drainage System.

XXVII. Dogwood Canal and Central Main Canal, both unlined water canals, if no provisions are made to underground these, some type of engineering should be considered to reduce the potential for saturation of the adjacent ground and high ground water potentially causing differential settlement of any nearby structures.

ICPWD-26

Page 5-1, 5.1 Cumulative Projects.

The following projects must be considered in your analysis:

- Procalamos Residential/ Industrial Project.
- Brookfield 101 Ranch
- Lagos Subdivision Improvements.
- Year 2035 Plus Total Project (All Phases).

ICPWD-27

Page 5.8, "Roadway Segments", Implementation of Mitigated Measures, CUMUL1 through CUMUL4 for Casino phase only.

XXVIII. The proposed mitigation states that the applicant is required to pay a fair share contribution which contradicts what is stated on Table ES-1 which states that prior to opening for business of any portion of phase 1, the project applicant shall complete the required improvements. Please clarify.

ICPWD-28

Page 5.10, "Intersections". Implementation of Mitigated Measures, CUMUL5 through CUMUL10.

RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23, 2008 (COMMENT LETTER ICPWD) (continued)

Response to Comment ICPWD-23:

As discussed in Section 4.3.3.7 of the EIR, there are no current plans to include any bus turn-out locations on the project site. However, in order to ensure that project promotes alternative transportation, Mitigation Measure T11 will be implemented, which requires to the project to develop a Transportation Demand Management plan.

In preparing the Transportation Demand Management Plan, the project applicant will consult with Kathy Williams, Administrative Analyst III with the Imperial County Executive Office, to coordinate transit services and to ensure the Plan complies with requirements for bus stops or transfer centers in or near the project.

Response to Comment ICPWD-24:

Note that the Figure 4.3-24 and 4.3-25 are broken down into North/South due to the volume of intersections, but it does include all intersections within the traffic study area and does not dismiss any locations east and west. However, based on comment PWD-19 above, the County is also requesting seven (7) additional locations. Please refer to Response to Comment PWD-19.

Figure 4.3-20 (of the EIR) identifies all intersection locations (#1-37), and subsequent Figure 4.3-21 (which breaks down intersection #1-25) and Figure 4.3-22 (which breaks down intersections #26-37) show all intersections in the study area. Intersections identified east of the project location include intersections #3, 4, 8, 12, 13, 14, 20, 23, 24, 25, 29, 30, 31, 32, 35, 36, and 37. Many of these intersections have been identified with impacts where applicable for either direct or cumulative scenarios as identified in Section 4.3 and 5.0 of the EIR.

Response to Comment ICPWD-25:

An evaluation of the latest FIRM Maps was completed and page 4.8-3 of Section 4.8 Hydrology/Water Quality of the EIR has been revised. In addition, language was added to the EIR to require the project as a condition of approval to comply with the City Council of the City Calexico new flood prevention ordinance, Ordinance No. 1080 dated October 26, 2008.

Response to Comment ICPWD-26:

Neither of the canals are proposed to be placed underground with the proposed project. Any potential impacts of the canals to the construction of the buildings will be addressed during the final design process of the project.

**RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS
DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23,
2008 (COMMENT LETTER ICPWD) (continued)**

Response to Comment ICPWD-27:

Per CEQA Guidelines Section 15130(b)(1)(B), a Lead Agency is authorized to limit it's analysis of probable future projects to those which are planned or which have had an application made at the time the Notice of Preparation (NOP) is released for public review. The NOP for 111 Calexico Place EIR was released for public review on March 19, 2007. The list of cumulative projects analyzed in the EIR were compiled at the time the NOP was released because they either were approved or had an application made at the time. The traffic study and the EIR did include an analysis of the Year 2035 Plus Total Project (All Phases). No changes to the EIR have been made in response to this comment.

With regards to the other projects, according to a personnel communication with the County Planning Department Procalamos Residential/Industrial Project application was submitted July 2007 and Brookfield 101 Ranch was submitted September 2007, which are after the NOP release date and therefore are not required to be included in the cumulative analysis of this EIR. The Logos Subdivision Improvements was submitted in February 2007; however, according to the traffic engineer this project is outside the study core area of the project and therefore was not included in the analysis. No changes to the EIR have been made in response to this comment.

Response to Comment ICPWD-28:

It seems as though this comment is comparing the statements for mitigation for direct impacts to mitigation for cumulative impacts. The statement "prior to the opening of business..." is only used in the mitigation measures that the applicant is required to construct as these measures mitigate direct impacts of the project. However, cumulative impacts are not only dependent on the project but also cumulative development within the surrounding area, as such the applicant is only required to pay a fair share contribution prior to issuance of the building permits. A Mitigation, Monitoring and Reporting Program has been prepared and is attached to the Final that may provide more clarity on this issue.

Comment Letter
ICPWD

(cont'd)

XXIX. Same comment as for page 5.8.

Page 5.43, B. Year 2015 Plus Total Project (All Phases). Implementation of Mitigated Measures, CUMUL17 to CUMUL20

XXX. Same comment as for page 5.8.

Page 5.48, Implementation of Mitigated Measures, CUMUL21 to CUMUL27

XXXI. Same comment as for page 5.8.

Page 5.52, Implementation of Mitigated Measures, CUMUL28 to CUMUL29

XXXII. Tables 5-11 to 5-21 should identify all County roadway and intersections impacted to identify clearly fair share calculations.

Page 5.75, 5.2.3.3 Border Crossing Expansion.

XXXIII. The project applicant shall not only pay the City of Calexico but also the County a fair share contribution to pay for impacts associated with the border crossing expansion project.

Page 5.75, 5.2.3.4 Implementation of Mitigation Measures

XXXIV. The City of Calexico has developed a fair share cost summary to be applied to the major project within the Jasper Corridor to generate funding for roadway segments, traffic signals, intersection improvements and the Jasper Corridor interchange. Since all the proposed development significantly increases the traffic in already dilapidated roads unable to handle to additional loads. The City needs to ensure the County is included in the distribution of fair share cost collected by the City of Calexico from all proposed projects. Specifically for this project.

In summary this project will significantly impact County road segments and intersections and unless the project proponent addresses County concerns, the County will be left to pay for future roadway improvements associated with this project.

Respectfully,

William S. Brunet, PE
Director of Public Works

BY: 

Manuel Ortiz, PE
Assistant County Engineer

PP/dm

cc: Jung Heubeger, Director- Planning & Development Services Department

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RESPONSE TO COMMENT LETTER FROM COUNTY OF IMPERIAL, PUBLIC WORKS DEPARTMENT, SIGNED BY MANUEL ORTIZ, PE FOR WILLIAM S. BRUNET, DATED OCTOBER 23, 2008 (COMMENT LETTER ICPWD) (continued)

Response to Comment ICPWD-29:
See Response to Comment ICPWD-28.

Response to Comment ICPWD-30:
See Response to Comment ICPWD-28.

Response to Comment ICPWD-31:
See Response to Comment ICPWD-28.

Response to Comment ICPWD-32:
See Response to Comments ICPWD-4, -6, and -7.

Response to Comment ICPWD-33:
See Response to Comments ICPWD-4, -6, and -7.

Response to Comment ICPWD-34:
This is a brief summary of the letter. Please see Response to Comments ICPWD-1 through ICPWD-34 for specific responses to the comments made in this letter.



**Comment Letter
APCD**

TELEPHONE: (760) 487-4606
FAX: (760) 353-9804

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY BRAD POIRIEZ, DATED NOVEMBER 10, 2008 (COMMENT LETTER APCD)

Response to Comment APCD-1:

This comment does not raise a significant environmental issue or concern the adequacy of the EIR. Pursuant to CEQA Guidelines sections 15088 and 15204, no further response is required.

November 10, 2008

Mr. Armando Villa
Director of Development Services
City of Calexico
608 Heber Avenue
Calexico, CA 92231

SUBJECT: Draft Environmental Impact Report (EIR) for the 111 Calexico Place
Specific Plan (City of Calexico)

Dear Mr. Villa:

The Imperial County Air Pollution Control District (APCD) has finalized its review of the Draft EIR for the 111 Calexico Place Specific Plan. The APCD reviewed the Draft EIR for consistency with concerned issues as expressed in a letter dated March 24, 2008, addressed to Amy Dutschke, Acting Regional Director, Pacific Regional Office Bureau of Indian Affairs. While the letter was in direct response to a "notice of intent to prepare an Environmental Impact Statement (EIS) for the proposed Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project in Calexico" the issues remain important to any Comprehensive Air Quality Analysis. As a whole the Draft EIR follows the policies and guidance found in the Imperial County Air Pollution Control District CEQA Air Quality Handbook (ICCEQA handbook). However, the APCD felt it important either to reiterate or clarify issues which are considered important to further the progress towards attainment by Imperial County.

APCD-1

The Draft EIR refers to the 8-hour non-attainment status as Transitional which is incorrect. Currently, the APCD has a "moderate" non-attainment status for ozone and a "serious" non-attainment status for PM₁₀ under the federal standard. On page 4.4-5 a reference is made to the levels of PM_{2.5} as not "frequently or severely" above standards." Please note that the future of the PM_{2.5} designation has not been settled and a non-attainment status has been proposed by the United States Environmental Protection Agency (EPA). On page 4.4-9 the statement "[t]he Calexico area, while not yet formally designated as such, has met all attainment designation requirements for the federal-ozone-standard" is misleading. The City of Calexico is part of the known "Imperial Valley Planning Area" and therefore falls under the same "moderate" non-attainment status as the rest of the County. As a result, both under the State and Federal standards the APCD is currently in the process of developing both an Ozone and PM₁₀ State Implementation Plan (SIP) for submittal to the EPA by December 2008.

APCD-2

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Comment Letter
APCD
(cont'd)

On pages 4.4-16 and 4.4-18 there are contradicting statements about construction-related thresholds. Please be aware, that thresholds for construction do apply when projects which are deemed "large" (Tier II) and have the potential to cause a significant impact on air quality. Section 4.4.2.1 correctly identifies the thresholds applicable to those construction sites as described above.

APCD-3

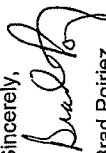
Finally, the application of mitigation measures AQ1, AQ2, AQ3 and AQ4 are consistent with the policies, rules and regulations of the Imperial County Air Pollution Control District. Therefore, in order to not adversely impact Imperial County air quality the APCD expects all ancillary projects proposed for the future on the property will meet all APCD Rules and Regulations. However, to reiterate, the applicant shall apply Regulation VIII, all Standard and Discretionary Mitigation Measures for construction and operational phases, painting and coating requirements and provide for offsite mitigation for those impacts above the established thresholds. When off-site mitigation is necessary, the ICCEQA handbook provides for mitigation measures including compliance with Rule 310. Rule 310 was adopted to help applicants reduce their projects impacts to less than significant when all other measures have been exhausted. Rule 310 provides the applicant with an option to either provide for an "Alternative Emission Reduction Plan" or pay in lieu fees to help mitigate those emissions above the threshold. Any proposed "Alternative Emission Reduction Plan" must be approved prior to the issuance of any building permit along with a committed schedule of implementation. Any in lieu fees, similarly, must be paid prior to any issuance of a building permit. In order to assure compliance, the APCD strongly requests written and verbal communication with interested parties in order to set commitments.

APCD-4

On a final note, the APCD has noted the discussion on Global Climate Change and its impacts as following the recommended Technical Advisory as published by the Office of Planning and Research (OPR). For your convenience, the entire rule book for the Imperial County can be found at <http://www.imperialcounty.net> under "Air Pollution." We encourage all developers, construction companies, cities and interested parties to obtain a copy of the newly proposed Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call.

APCD-5

Sincerely,



Brad Poiriez
Air Pollution Control Officer

Cc: Ralph Cordova, County Executive Officer
Reyes Romero, Assistant Air Pollution Control Officer
Mr. Jurg Heuberger, AICP, CEP, CBO
Jerry Santillan, Assistant CEO

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY BRAD POIRIEZ, DATED NOVEMBER 10, 2008 (COMMENT LETTER APCD)
(continued)

Response to Comment APCD-3:

Page 4.4-16 of the EIR has been revised to be consistent with the correct thresholds statement identified under Section 4.4.2.1 and the suggested revisions in this comment.

Response to Comment APCD-4:

Through the monitoring of the mitigation measures consistent with the Mitigation Monitoring and Reporting Program, the City will ensure that the project and all ancillary projects on the property will comply with all applicable APCD rules and regulations.

Response to Comment APCD-5:

This comment does not raise a significant environmental issue or concern the adequacy of the EIR. Pursuant to CEQA Guidelines sections 15088 and 15204, no further response is required.

Comment Letter
MSJ

LAW OFFICES
MORISSET, SCHLOSSER & JOZWIAK
A PROFESSIONAL SERVICE CORPORATION

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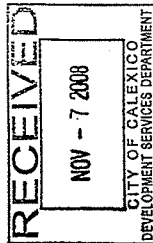
TELEPHONE: (206) 386-3200
FACSIMILE: (206) 386-7322

WWW.MSAJ.COM

November 6, 2008

Via Overnight Delivery

Mr. Armando G. Villa
Director of Development Services
City of Calexico
608 Heber Avenue
Calexico, CA 92231



Re: Comments of Quechan Indian Tribe on Draft EIR for 111 Calexico Place Project

Dear Mr. Villa:

On behalf of the Quechan Indian Tribe, we submit the following comments on the Draft EIR for the 111 Calexico Place Project. As previously stated in comments dated April 16, 2007, the Quechan Tribe strongly opposes the proposed casino development, as it will have a significant negative impact on the Quechan Tribe and its members.

MSJ-1

A. The City Should Evaluate A No-Casino Alternative In The EIR.

The California Environmental Quality Act (CEQA) requires the City to describe reasonable alternatives to the proposed project. CEQA Guidelines, Section 15121(a). The Draft EIR evaluates three alternatives: (a) the No-Project Alternative; (b) the Reduced Casino Alternative; and (c) the Industrial Development Alternative. The EIR should discuss a fourth Alternative -- the No-Casino Alternative. The EIR should include analysis of a No-Casino Alternative because, at this time, it is purely speculative whether the project proponents will be able to secure the approvals necessary to develop a gaming facility on this site.

MSJ-2

The proposed project evaluated in the Draft EIR depends largely upon its central feature -- the proposed casino development. The casino project can not go forward until the United States agrees to acquire the underlying land in trust for the Manzanita Band.¹ If the casino is not able to obtain required approvals from the state and federal government, it is unclear whether the subsequent phases of the Calexico Place Project would go forward as planned. In its letter of

MSJ-3

¹ Although the applicant is identified as Hallwood Calexico Investments, LLC, the casino development depends upon approval of the Manzanita Band's land-into-trust application filed with the Department of the Interior on or around April 16, 2006.

RESPONSE TO COMMENT LETTER FROM MORISSET, SCHLOSSER & JOZWIAK, REPRESENTING THE QUECHAN INDIAN TRIBE, SIGNED BY FRANK R. JOZWIAK, DATED NOVEMBER 6, 2008 (COMMENT LETTER MSJ)

Response to Comment MSJ-1:

This is an introductory comment to the letter. The following responses address specific comments raised in the letter. Please refer to responses to comments MSJ-2 through MSJ-5.

Response to Comment MSJ-2:

CEQA requires that an EIR analyze a reasonable range of alternatives and does not require an agency to analyze every potential alternative. The alternatives analyzed in the EIR were determined based on which alternatives would lessen the environmental impacts but at the same time meet the goals and objectives of the project. The only impacts that could be reduced are traffic and air quality.

With regards to traffic two major topics are typically investigated, average daily traffic and its effects on street segments, and AM/PM peak hour traffic and its effects on intersections. An analysis was conducted to determine a reasonable alternative that would reduce average daily trips and therefore street segment impacts, and AM/PM peak hour trips, and therefore intersection impacts. Casinos generate substantial average daily trips but such trips typically are not focused in the peak hours. For this reason, a reduced casino alternative was analyzed to reduce average daily trips and associated street segment impacts. Because a casino is not a big generator of AM peak hour traffic, it was decided that a different alternative would be considered that reduces both AM and PM peak hour trips. This was the Reduced Casino and Industrial Development Alternatives addressed in the EIR.

Removing the Casino from the overall project would not meet the primary objective of the project, which is to "Facilitate the development of a Class III Indian Gaming Casino to be constructed by the Manzanita Band of the Kumeyaay Nation. A Class III Gaming Casino within the City of Calexico was voter approved by the residents of the City of Calexico through a special election in 2005." Therefore, this alternative was not analyzed in the EIR.

There is nothing in Federal or State law to preclude a casino being sited at the proposed project site, and there are federal and state processes established that can result in the approval of a Class III casino at the proposed site. Therefore, the project is not purely speculative as stated in this comment.

Mr. Armando Villa
November 6, 2008
Page 2

April 16, 2007, the Tribe noted that the casino component is highly speculative and that the City should defer environmental analysis or preliminary project approvals until the fate of the casino becomes more certain. Although the City has decided to proceed with preparation of an EIR, the Tribe believes that the speculative nature of the casino project warrants evaluation of a No-Casino alternative in the EIR.

The EIR notes that a fee-to-trust land transfer and other significant state and federal approvals are necessary prerequisites to the casino project, but the EIR fails to elaborate or adequately explain the significant difficulties that the developers will face in obtaining those necessary approvals. Obtaining federal permission for off-reservation gaming is a rigorous process that has no guarantee of success. See 25 U.S.C. Part 151, 25 U.S.C. § 2719. Federal law prohibits trust acquisitions for off-reservation gaming purposes unless the Secretary of the Interior determines that the gaming establishment will be in the best interest of the Indian tribe and its members and that the establishment will not be detrimental to the surrounding community, including nearby Indian tribes like the Quechan Tribe. 25 U.S.C. § 2719(b)(1)(A). In addition, the Secretary must obtain the concurrence of the Governor. *Id.*

Current federal policy disfavors off-reservation gaming. This is especially true where such gaming interferes with an existing on-reservation gaming operation. The further away from the gaming proponent's reservation that the gaming occurs, the less likely it is that the United States will approve the project. See *Checklist for Gaming Acquisitions, Gaming-Related Acquisitions, and IGRA Section 20 Determinations*, Office of Indian Gaming Management, March 2005, page 5 ("The greater the distance the acquired land is from the tribe's reservation will require that the Regional Director's analysis more fully justify the anticipated benefits to the tribe"). Here, the proposed Calexico casino is a significant distance and beyond a reasonable commuting distance from the Manzanita Band's reservation. Thus, Manzanita faces a heavy burden in obtaining federal approval. See letter of January 4, 2008, from Carl J. Artman, Assistant Secretary – Indian Affairs to The Honorable Catherine Saubel (Attachment A); January 4, 2008, press release regarding guidance to BIA officials in determining whether or not to take off-reservation land into trust for gaming purposes (Attachment B).

The Secretary of the Interior is trustee to the Quechan Indian Tribe and is prohibited by its trust obligation from taking discretionary actions that will interfere with the vested interests of the Tribe. The Secretary of the Interior must consult with the Quechan Tribe prior to approving the land-into-trust application and the Quechan Tribe will voice strong opposition due to the resulting economic impact. See 25 U.S.C. § 2719(b)(1)(A). The Secretary would likely violate its trust obligation to the Quechan Tribe by approving the Manzanita off-reservation gaming proposal over the Quechan Tribe's objections and showing of economic harm.

The United States' decision on the land-into-trust application is likely years away. The United States must comply with NEPA and prepare an Environmental Impact Statement prior to making its decision. As part of the NEPA review process, the United States is obligated to consider socioeconomic impacts associated with the Calexico casino proposal. It is also obligated to consider impacts to Indian trust assets and environmental justice. The United States also must consult directly with the Quechan Tribe and seek its input on this proposal. See

RESPONSE TO COMMENT LETTER FROM MORISSET, SCHLOSSER & JOZWIAK, REPRESENTING
THE QUECHAN INDIAN TRIBE, SIGNED BY FRANK R. JOZWIAK, DATED NOVEMBER 6, 2008
(COMMENT LETTER MSJ) (continued)

Response to Comment MSJ-3:

The commentor is correct, the casino project will not be allowed to move forward until an EIS has been approved that would allow a fee-to-trust annexation and the development of the casino. Furthermore, a compact from the state would be required prior to development of the casino. Approval of the project analyzed in this EIR would demonstrate local support for the casino as proposed; however, ultimate approval of the casino project would require federal and state approval, which is beyond the jurisdiction of the City of Calexico. In the event the Casino project fails to win federal and state approval, an amended Specific Plan and subsequent environmental review may be required prior to development of the Casino portion of the project site.

MSJ-3
(cont'd)

Mr. Armando Villa
November 6, 2008
Page 3

Department of the Interior Manual, 516 DM 10, § 10.3(2)(a) ("Tribal governments affected by a proposed action shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of such documents"). The Quechan Tribe intends to participate fully in the NEPA process and ensure the record adequately documents the significant impacts that this proposal will have on the Tribe. Once the United States concludes its NEPA review and makes its final decision on the Manzanita application, administrative appeals and judicial challenges could delay the actual acquisition for many more years to come.

Even if the United States recommends approval of the land-into-trust acquisition for gaming purposes, the concurrence of the Governor is also required. On May 18, 2005, Governor Schwarzenegger issued a proclamation stating that he would not approve off-reservation gaming in rural areas unless "the project substantially serves a clear, independent public policy separate and apart from any increased economic benefit or financial contribution to the State, community, or the Indian tribe that may result from gaming." See Governor Schwarzenegger Proclamation on Tribal Gaming Policy, May 18, 2005 (Attachment C). Here, the only basis for the casino project is revenue generation for the City and the project proponents, including the Manzanita and Viejas, both with trust land Reservation in San Diego County far from Calexico. The project does not "substantially serve" any other "clear, independent public policy" and therefore cannot be approved consistent with the Governor's policy statement.

Assuming that the Manzanita Band can overcome these substantial obstacles and persuade the United States to acquire the land in trust for the casino, Manzanita will still need to negotiate a new gaming compact with the State of California. This process requires approvals by both the Executive and Legislative branches of the state of California, and approval by the Secretary of the Interior. Significantly, the United States will not approve a new gaming compact until the Tribe obtains approval of its land-into-trust application. See 25 U.S.C. § 2710(d)(8)(A) (authorizing Secretary to approve gaming compacts "governing gaming on Indian lands of such Indian tribe"). Federal law does not permit approval of new gaming compacts until the land-into-trust process is complete. See Attachments A and B.

The casino is an integral part of the development project and it is unclear whether any part of the development would go forward without that revenue-generating component. Disapproval of the casino would likely result in a new configuration of the project and could even result in abandonment of the project. Given the obstacles that the casino project faces, the EIR should evaluate a No-Casino alternative.

- B. The EIR Should Evaluate The Adverse Economic Consequences That Will Result From The Calexico Casino Project.

CEQA Guideline 15131 states that economic or social information may be included in an EIR. In this case, it is appropriate for the EIR to discuss the economic impacts that the Quechan Tribe will suffer if the proposed casino project proceeds ahead.

RESPONSE TO COMMENT LETTER FROM MORISSET, SCHLOSSER & JOZWIAK, REPRESENTING
THE QUECHAN INDIAN TRIBE, SIGNED BY FRANK R. JOZWIAK, DATED NOVEMBER 6, 2008
(COMMENT LETTER MSJ) (continued)

Response to Comment MSJ-4:

This comment states that the proposed casino project will have a direct economic impact on the Quechan Tribe, its gaming facilities and its governmental functions. CEQA does not require an EIR to analyze the economic impacts of a proposed project unless they would cause or contribute to a physical change in the environment. The comment does not identify any physical changes that would result from the economic impact, if any, of the proposed casino project on the Quechan Tribe's three casino facilities, the closest of which is approximately 50 miles east of the City of Calexico. However, as acknowledged in Comment MSJ-3, the Bureau of Indian Affairs is required to comply with NEPA and to prepare an Environmental Impact Statement, which will consider the socioeconomic impacts of the proposed casino project on the Quechan Tribe's assets.

MSJ-3
(cont'd)

MSJ-4

Comment Letter
MSJ
(cont'd)

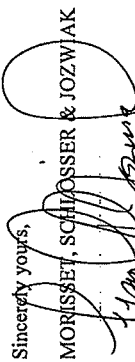
The Quechan Indian Tribe is one of only two federally recognized Indian tribes with a reservation and Indian trust lands in Imperial County, California. The Tribe's Fort Yuma Reservation is located approximately 50 miles east of Calexico. The Reservation was established by Executive Order on January 9, 1884. The Tribe has operated the Paradise Casino-California on tribal trust land within the California portion of the Fort Yuma Indian Reservation since 2002. The Tribe also operates a second casino in the Arizona portion of its Reservation. The Arizona casino opened in 1998.

The Tribe is currently building a new Casino-Resort facility on Interstate 8 in the western portion of the Tribe's Reservation. The Tribe has a Class III gaming compact with the state of California that was approved as amended, by the Secretary of the Interior on January 17, 2007. The Tribe is developing the new Casino Resort on tribal trust land that has been part of the Reservation since 1884. The Tribe is investing hundreds of millions of dollars in this new facility. The Casino-Resort is expected to open in early 2009. Both the Tribe's existing Casinos and the new Casino Resort under construction provide jobs, training opportunities, funding for essential tribal governmental services, and significant economic benefits to the Tribe, its members, and the surrounding non-Indian communities, including Imperial County. To be clear, economic impacts to the Tribe's casino projects have a direct and substantial impact on the Tribe's ability to carry out essential governmental functions and services.

The proposed Calexico casino will have a direct adverse economic impact on the Quechan Tribe, its gaming facilities, and its governmental functions. The proposed casino will attract patrons primarily from the El Centro and Calexico/Mexicali market, a market that parallels the Quechan Tribe's existing market. The Tribe's market research show that 20% or more of the Quechan Tribe's Casino patrons come from the Calexico/Mexicali area. Many other patrons come from the surrounding Central Imperial Valley area. The proposed location of the Calexico facility is directly within the Quechan Tribe's zone of economic interest. The EIR must evaluate this adverse economic impact.

C. Conclusion - The Draft EIR Is Inadequate In Its Current Form.

In summary, the Draft EIR for the 111 Calexico Place Project is inadequate because it fails to evaluate the No-Casino Alternative and because it fails to address adverse economic impacts that will result from the proposed casino development. Thank you for your consideration of these comments.

Sincerely yours,

MORISSET, SCHLOSSER & JOZWIAK
Frank R. Jozwiak
Thane D. Somerville
Attorneys for the Quechan Indian Tribe

RESPONSE TO COMMENT LETTER FROM MORISSET, SCHLOSSER & JOZWIAK, REPRESENTING
THE QUECHAN INDIAN TRIBE, SIGNED BY FRANK R. JOZWIAK, DATED NOVEMBER 6, 2008
(COMMENT LETTER MSJ) (continued)

Response to Comment MSJ-5:

The EIR is adequate in that it analyzes a range of reasonable alternatives that meet the majority of the objectives of the proposed project. The objective of "Facilitate the development of a Class III Indian Gaming Casino to be constructed by the Manzanita Band of the Kumeyaay Nation. A Class III Gaming Casino within the City of Calexico was voter approved by the residents of the City of Calexico through a special election in 2005." is the primary objective of the project.

MSJ-4
(cont'd)

MSJ-5

Enclosures

cc: President Mike Jackson
Vice President Keeny Escalanti
Members of the Quechan Tribal Council
Brian Golding, Executive Director, Economic Development Administration
Frank Espino, Tribal Comptroller

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11/11/08

ATTACHMENT A



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



MSJ Attachment

MSJ Attachment

JAN 04 2008

The Honorable Catherine Sanibel
Chairwoman, Los Coyotes Band
of Caballita & Cupeno Indians
P.O. Box 189
Warner Springs, California 92086

Dear Chairwoman Sanibel:

On March 29, 2006, the Los Coyotes Band of Caballita and Cupeno Indians (Tribe) submitted to the Bureau of Indian Affairs (BIA) an application to acquire in trust approximately 20-acres of land in Barstow, San Bernardino County, California (Barstow parcel). The Tribe proposes to develop a gaming facility and other uses incidental thereto on the land.

Background

In explaining the Department of the Interior's (Department) decision, it is important to begin by restating the core principles that underlie the land acquisitions regulations. The Part 151 regulations implement the trust land acquisition authority given to the Secretary by the Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 465. The IRA was primarily intended to redress the effects of the discredited policy of allotment, which had sought to divide up the tribal land base among individual Indians and non-Indians, and to destroy tribal governments and tribal identity. To assist in restoring the tribal land base, the IRA gives the Secretary the authority to: 1) return "to tribal ownership the remaining surplus lands of any Indian reservation" that had been opened to sale or disposal under the public land laws; 2) consolidate Indian ownership of land holdings within reservations by acquiring and exchanging interests of both Indians and non-Indians; and 3) acquire, in his discretion, interests in lands "within or without existing reservations." The IRA also contains provisions strengthening tribal governments and facilitating their operation. The policy of the IRA, which is just the opposite of allotment, is to provide a tribal land base on which tribal communities, governed by tribal governments, could exist and flourish. Consistent with the policy, the Secretary has typically exercised his trust land acquisition authority to take lands into trust that are within, or in close proximity to, existing reservations.

The IRA has nothing to do directly with Indian gaming. The Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 et. seq., adopted more than 50 years after the IRA, sets the criteria under which gaming activities can occur on Indian lands. One requirement is that if gaming is to occur on off-reservation lands, those lands must be trust lands "over which

an Indian tribe exercises governmental power." The authority to acquire trust lands, however, is derived from the IRA; no trust land acquisition authority is granted to the Secretary by IGRA. The Department has taken the position that although IGRA was intended to promote the economic development of tribes by facilitating Indian gaming operations, it was not intended to encourage the establishment of Indian gaming facilities on off-reservation land. Whether off-reservation land should be taken into trust for gaming purposes is a decision that must be made pursuant to the Secretary's IRA authority.

Compliance with 25 C.F.R. Part 151

In a letter dated February 13, 2007, the Department made it clear that the Tribe's land-into-trust application would receive a thorough and critical review under the Department's land acquisition regulations in 25 C.F.R. Part 151. Our review of the Tribe's application has identified several concerns, particularly with criteria in 25 C.F.R. §§ 151.3, 151.10(b), 151.10(c), and 151.11(b), as explained below.

A. 25 C.F.R. 151.3 Land acquisition policy.

The regulations, in 25 C.F.R. 151.3(e)(3), require the Department to make a determination that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing. The justification provided with your land-into-trust application directed our attention to economic development as the key reason for seeking our approval of this application. The proposed gaming site is approximately 115 miles from the Tribe's existing reservation. The application suggests that the economic benefits to the Tribe would be a projected cash flow from gaming operations in Barstow that could then be used to satisfy Tribal needs on the reservation.

B. 25 C.F.R. 151.10(b). The need of the Tribe for additional land.

The regulations, in 25 C.F.R. 151.10(b), require the Department to evaluate the need of the Tribe for additional land. The Tribe owns approximately 25,000 acres of trust land and has approximately 288 members. This application does not address a need for more land to support tribal housing, government infrastructure, or to resolve local land management conflicts. Rather, the application seeks a particular site of 20 acres, located 115 miles away from the reservation, which has been selected due, principally, to its proximity to urban markets.

C. 25 C.F.R. 151.10(c). The purposes for which the land will be used.

The regulations, in 25 C.F.R. 151.10(c), require the Department to consider the purposes for which the land will be used. In this case, the land will be used for the development of a very large off-reservation class III gaming facility.

- D. 25 C.F.R. 151.11(b). The location of the land relative to State boundaries, and its distance from the boundaries of the Tribe's reservation.

The regulations, in 25 C.F.R. 151.11(b), require the Department to consider the location of the land relative to State boundaries and its distance from the boundaries of the Tribe's reservation. As the distance increases, the Secretary must give greater scrutiny to the Tribe's justification of anticipated benefits from the acquisition, and greater weight to the concerns of local governments. The Tribe's reservation and the proposed Barstow parcel are located in the State of California, approximately 115 miles apart. The Department is concerned that approval of this application would not support the option for tribal members to live on their existing reservation and to have meaningful employment opportunities at the proposed gaming establishment in Barstow because the proposed gaming establishment will not be located within a reasonable commuting distance from the Tribe's reservation.

In your application you state that the project is proposed because "the Tribe has no realistic environmental or economic alternative but to obtain off-reservation land on which it can develop a gaming facility consistent with those operated by other tribes in the State of California." Therefore, the primary expected benefit is the income stream from the gaming facility, which can be used to fund tribal services anticipated to provide a positive effect on reservation life regardless of the distance of the gaming facility from the reservation. The statement, "[R]ecipients from the Tribe's gaming facility will be used to fund governmental and health services on the reservation, as well as to fund housing there," does not provide sufficient detail to allow a determination by the Secretary on the specific benefits expected from the use of net gaming revenues to either on-reservation employment of tribal members, or specific tribal programs and operations.

The second benefit of the proposed gaming facility is the opportunity for job training and employment of tribal members living on reservation. No expected on-reservation employment benefits are described in the application, so it is not possible for the Secretary to make a determination on the employment benefit to tribal members living on the reservation. With respect to this benefit, the location of the gaming facility can have significant negative effects on reservation life. Because the proposed gaming facility is not within a commutable distance of the reservation, resident tribal members will either: a) decline the job opportunity if they desire to remain on the reservation; or b) move away from the reservation to take advantage of the job opportunities.

In either case, the negative impacts on reservation life could be considerable. In the first case, the operation of the gaming facility would not directly improve the employment rate of tribal members living on the reservation. A high on-reservation unemployment rate, with its attendant social ills, is already a problem on the Tribe's reservation. A gaming operation on or close to the reservation would allow the Tribe to alleviate this situation by using its gaming facility as a conduit for job training and employment programs for tribal members. Provision of employment opportunities to reservation residents promotes

a strong tribal government and tribal community. Employment of tribal members is an important benefit of tribal economic enterprises.

In the second case, the remote location of the proposed gaming facility may encourage reservation residents to leave the reservation for an extended period to take advantage of the job opportunities created by the tribal gaming facility. The potential departure of a significant number of reservation residents and their families could have serious and far-reaching implications for the remaining tribal community and its continuity as a community. While the financial benefits of the proposed gaming facility might create revenues for the Tribe and may mitigate some potential negative impacts, the Tribe's application fails to carefully address and comprehensively analyze the potential negative impacts on reservation life and does not clearly demonstrate why these negative impacts should be out weighed by the financial benefits of tribal ownership of a remote gaming facility.

Decision

The Department's regulations, in 25 C.F.R. 151.3, state that no acquisition of land in trust status shall be valid unless the acquisition is approved by the Secretary. The Department has completed an evaluation of the Tribe's fee-to-trust application for the Barstow parcel and has determined that it will not accept the land into trust.

The Department's evaluation of this off-reservation land-into-trust application has identified several concerns, as outlined above, that lead to a determination that the Department will not exercise its discretionary authority to take the parcel into trust. This decision is a final agency action consistent with the provisions of 25 C.F.R. 2.6(g).

Please be advised that since this land will not be accepted into trust, the proposed site does not qualify for Indian gaming pursuant to IGRA. It is our hope that the Department will be able to work with the Tribe to identify economic development opportunities that we can support mutually.

Sincerely,



Carl J. Artman
Assistant Secretary - Indian Affairs

MSJ Attachment

MSJ Attachment

January 4, 2008

Contact: Shane Wolfe (202) 208-6416

Department of the Interior Issues Off-Reservation Gaming Guidance and Sends Letters to Tribes

Department of the Interior Guidance Issued by Assistant Secretary

Assistant Secretary of the Interior for Indian Affairs Carl Artman today issued guidance to Bureau of Indian Affairs (BIA) regional directors and the director of the Office of Indian Gaming to be used in the determination of whether or not to take off-reservation land into trust pursuant to the Indian Reorganization Act of 1934 (IRA) for gaming purposes pursuant to the Indian Gaming Regulatory Act of 1988 (IGRA).

Indian Gaming Regulatory Act of 1988 and Indian Reorganization Act of 1934

• IGRA specifies the criteria that must exist for off-reservation gaming to occur on Indian lands. Indian lands must be trust lands "over which an Indian tribe exercises governmental power." A separate act, the Indian Reorganization Act of 1934 (IRA), enacted to provide a tribal land base on which tribal communities can flourish, gives the Secretary of the Interior discretionary authority to take off-reservation Indian land into trust. Section 151.11 of 25 C.F.R. Part 151 (Part 151) sets forth the factors the Department will consider when exercising the authority.

"Part 151"

• Part 151 contains two provisions of particular relevance to applications that involve land that is a considerable distance from the reservation. It states that, as the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give:

- o 1) greater scrutiny to the tribes justification of anticipated benefits from the acquisition; and
- o 2) greater weight to concerns raised by state and local governments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

• Part 151 does not elaborate further on how or why the Department is to give "greater scrutiny" or "greater weight" to the above factors as the distance increases.

Purpose of Guidance

• The guidance clarifies how to interpret and apply the Part 151 terms 'greater scrutiny' and 'greater weight' when considering the taking of off-reservation land into trust status for gaming purposes.

- o The guidance directs that a reviewer ask specific questions for those applications with lands that exceed a "commutable distance" from the reservation because of the impact that such a distant acquisition may or may not have on life on the reservation.

ATTACHMENT B

http://216.109.157.86/press_release/Department%20of%20the%20Interior%20Issues%20Of... 1/5/2008

MSJ Attachment

o The guidance emphasizes that as the distance from the reservation increases, greater weight should be given to state and local concerns, including jurisdictional problems and potential conflicts of land use and the removal of the land from the tax rolls.

Letters to 22 Tribes

- Pursuant to the guidance, the Department of the Interior today issued letters to 22 separate tribes with pending applications to take land into trust.

- o 11 tribes were informed that the Department of the Interior will not exercise its discretionary authority to take respective properties into trust.

- o 11 other tribes were informed that their applications lacked complete information and cannot be acted upon by the Office of Indian Gaming.

Off-Reservation Lands

- 14 of the 22 tribes to receive letters had submitted applications to take land into trust that is situated more than 100 miles from the reservations on which tribal members reside, with some more than 1000 miles from the reservation.

Resubmission

- Any application that is denied pursuant to the guidance may be resubmitted with information that may satisfy Part 151.

Courtesy of Victor Rocha

ATTACHMENT C

http://216.109.157.86/press_release/Department%20of%20the%20Interior%20Issues%20of... 1/5/2008



by the
Governor of the State of California

WHEREAS, there are over 100 federally recognized Indian tribes in California and many of those tribes already have Indian lands within the meaning of IGRA that are eligible for class III gaming; and

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, do hereby proclaim the following statements as my general policy on the specified matters related to tribal gaming:

1. I shall oppose proposals for the federal acquisition of lands within any urbanized area where the lands sought to be acquired in trust are to be used to conduct or

MSJ Attachment

facilitate gaming activities.

2. I shall decline to engage in negotiations for tribal-state gaming compacts where the Indian tribe does not have Indian lands eligible for class III gaming.
3. I shall consider requests for a gubernatorial concurrence under section 20(b)(1)(A) of IGRA, that would allow a tribe to conduct class III gaming on newly acquired land, only in cases where each of the following criteria is satisfied:
 - a. The land that is sought for class III gaming is not within any urbanized area.
 - b. The local jurisdiction in which the tribe's proposed gaming project is located supports the project.
 - c. The tribe and the local jurisdiction demonstrate that the affected local community supports the project, such as by a local advisory vote.
 - d. The project substantially serves a clear, independent public policy, separate and apart from any increased economic benefit or financial contribution to the State, community, or the Indian tribe that may arise from gaming.
4. In order to ensure adherence to the foregoing policies, I will direct the Governor's Office of Planning and Research (OPR) to provide to the Attorney General and the following departments, boards, and commissions copies of every notice of a tribal application to have land taken into trust by the federal government:
 - a. The Department of Parks and Recreation
 - b. The Department of Water Resources
 - c. The Department of Fish and Game
 - d. The Native American Heritage Commission
 - e. The Department of Transportation
 - f. The California Highway Patrol
 - g. The Air Resources Board
 - h. The Department of Conservation
 - i. The appropriate regional office of the Regional Water Quality Control Board.

I will further direct the Resources Agency, Environmental Protection Agency, and Health and Human Services Agency to distribute a copy of the notice to any of their respective departments that may be able to provide input on a particular application. The departments referenced above will be directed to promptly review the notices and provide comments to the Legal Affairs Secretary for a determination as to whether any comment on an application to have land taken into trust should be provided to the Bureau of Indian Affairs. The boards and commissions listed above will be invited to provide comments on said notices to the Legal Affairs Secretary.

5. I shall support legislative ratification and Department of Interior approval of each compact or amended compact negotiated by my administration, including the one compact for a casino in an urban area that is not yet ratified by the Legislature.
6. For purposes of this Proclamation, "urbanized area" means the definition of that term as defined in Public Resources Code section 21071, subdivision (a). A list of the cities meeting this definition as of the date of this Proclamation is attached hereto.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the eighteenth day of May 2005.

/s/ Arnold Schwarzenegger

Governor of California

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Heber Public Utility District

1078 Dogwood Rd., Suite 103 • P. O. Box H

Heber, CA 92249

TEL. (760) 482-2440 • FAX (760) 353-9851

Comment Letter HPUD

November 4, 2008

Mr. Armando G. Villa, Director
Development Services Department
City of Calexico
608 Heber Avenue
Calexico, CA 92231

RE: Draft Environmental Impact Report for the 111 Calexico Place Specific Plan Project

Dear Mr. Villa:

The Heber Public Utility District (HPUD) has received your submitted Draft Environmental Impact Report (DEIR) for the above-mentioned Project (SCH No. 2007031092) prepared by BRG Consulting, Inc. dated September 2008. As stated in the Notice of Availability for the Project dated September 23, 2008, the proposed Project consists of the development of Commercial Highway land uses, including a Class III Tribal Gaming Casino Facility and Hotel Facility within an approximately 232-acre Project site in the City of Calexico. The Project is located at the southwest corner of the intersection of Jasper Road and State Route (SR) 111 and is bound by Jasper Road to the north, SR-111 to the east, and the Dogwood Canal and Central Main Canal to the south and west.

Based on a review of the submitted DEIR document, HPUD offers the following comments:

1. As stated on page 4.3-4 of the DEIR, the Traffic Study prepared for this project, and the resulting DEIR, analyzes traffic count data obtained by Caltrans in 2005 and Darnell and Associates in October 2005. HPUD considers these 2005 counts to be significantly outdated, as they do not reflect the trips generated from numerous new commercial and residential projects in the vicinity of the 111 Calexico Place Project constructed since October 2005. These projects and their estimated Average Daily Traffic (ADT) counts are as follows:

• Imperial Valley Mall	47,300 ADT (per the Project EIR)
• The Plaza	20,648 ADT (per the Project EIR)
• Heber Meadows	2,280 ADT ¹
• Heber Wood	5,304 ADT ²
• McCabe Ranch	5,124 ADT ³
TOTAL	80,656 ADT

¹ ADT was determined from the estimated number of houses constructed at this time (190 SFR) multiplied by the SANDAG ADT factor for SFR units (12 ADT/unit).

² ADT was determined from the estimated number of houses constructed at this time (442 SFR) multiplied by the SANDAG ADT factor for SFR units (12 ADT/unit).

³ ADT was determined from the estimated number of houses constructed at this time (427 SFR) multiplied by the SANDAG ADT factor for SFR units (12 ADT/unit).

RESPONSE TO COMMENT LETTER FROM HEBER PUBLIC UTILITY DISTRICT, SIGNED BY JOHN A. JORDAN, DATED NOVEMBER 4, 2008 (COMMENT LETTER HPUD)

Response to Comment HPUD-1:

This comment is an introductory to the comment letter and provides a brief summary of the project. No response is required.

Response to Comment HPUD-2:

The Notice of Preparation (NOP) was sent out in March 2007. Under CEQA Guidelines sections 15125 and 151265.2, the EIR must evaluate the project's impacts on the conditions which exist at the time the NOP was published. Based on a personnel communication with the City and County planning departments, the following provides the status of the projects that are listed in this comment:

Project	Current Status
Imperial Valley Mall (included in EIR are cumulative project #9)	Approximately 80% complete
The Plaza (included in EIR are cumulative project #27)	Approximately 80% Complete
Heber Meadows (included in EIR are cumulative project #14)	Approximately 60-70% Complete
Heber Wood (not included in EIR)	Submitted application in October 2007, after NOP was released; therefore was not included in the EIR
McCabe Ranch (included in EIR are cumulative project #11)	Phase I and II have been approved

Traffic count comparisons provided in the Traffic Study prepared for the proposed project (Appendix B of the EIR) were made between Year 2005 and Year 2006-08 (at intersections) and Years 2005 and 2007 (along Caltrans controlled roadway segments) to determine if the inclusion of these cumulative projects provides a significant increase in traffic volumes along major arterials. As shown in the table below, count volumes are significantly lower (approximately 6 percent near McCabe where the majority of this potential traffic is suggested to impact) in Year 2007 than in Year 2005.

RESPONSE TO COMMENT LETTER FROM HEBER PUBLIC UTILITY DISTRICT, SIGNED BY JOHN A. JORDAN, DATED NOVEMBER 4, 2008 (COMMENT LETTER HPUD)

Response to Comment HPUD-2: (cont'd.)

Count Volume Summary						
Intersections	Yr 2005 PM PK	Yr 2006-08 PM PK	Diff Vol	Diff Percent		
Jasper/SR-111 (2008)	3,078	2,497	-581	-18.88%		
SR-111/SR-98 (2006)	4,827	3,639	-1,188	-24.61%		
Meadows/Cole (2006)	1,235	1,213	-22	-1.78%		
Meadows/SR-98 (2006)	1,605	1,565	-40	-2.49%		
Heber/SR-111 (2008)	3,371	2,708	-663	-19.67%		
Segments	Year 2005	Year 2007	Diff	Percent		
SR-111 at SR-98	33,500	33,000	-500	-1.49%		
SR-111 at Cole	35,500	35,000	-500	-1.41%		
SR-111 at SR-86	33,500	31,500	-2,000	-5.97%		
SR-111 at McCabe	37,000	34,500	-2,500	-6.76%		
SR-98 at Andrade	9,500	8,300	-1,200	-12.63%		
SR-98 at Bowker	6,900	6,100	-800	-11.59%		
SR-98 at Cole	14,000	11,300	-2,700	-19.29%		
Segment counts per Caltrans published data (year) = most recent year count taken						

The updated traffic counts collected at the intersection of Jasper Road/SR-111, which draws the most project related traffic, shows a drop of more than 18% in three years. This intersection is the most impacted intersection by the proposed project.

Darnell and Associates, the traffic engineer that prepared the Traffic Study for the project, has reviewed this comment. Based on their qualifications and experience and the information contained in the traffic study, it is the traffic engineers opinion that by using the highest volumes counted in Year 2005 the traffic study has adequately addressed the potential traffic generated by these projects that were not considered to be occupied in 2005. No changes to the EIR or Traffic Study were made pursuant to this comment.

It should be noted that four of these projects were considered in the Cumulative Impact Analysis of the DEIR; however, the counts from these existing projects should be included in the analysis of existing conditions in the Transportation/Circulation Section of the DEIR.

HPUD-2

(cont'd)

2. HPUD anticipates that new, updated traffic counts would reflect a higher number of ADT counts on roadway segments and at intersections in the Project vicinity and would therefore reduce the existing Level of Service (LOS) of these roadway segments and intersections from those illustrated in the DEIR. For example, Table 4.3-2 on page 4.3-19 of the DEIR indicates that the Dogwood Road/E. McCabe and Dogwood Road/W. McCabe intersections are operating at a LOS of A and B during peak hours. Anyone familiar with these intersections pre- and post construction of the Imperial Valley Mall and adjacent residential developments understands the increased amount of traffic traveling along Dogwood Road through these intersections and the resulting decrease in service levels at these intersections. The DEIR states that new spot count data obtained in 2006 and 2008 were not utilized for analysis as this data reflected lower traffic volumes, and therefore did not reflect the worst case traffic conditions. However, this 2006 and 2008 data was collected only at the intersections of SR-111/SR-98, Cole Road/Meadows Road, SR-98/Meadows Road, Jasper Road/SH 111 and Heber Road/SR-111. These intersections are some of the least impacted by the new developments highlighted in Item No. 1 of this letter. New traffic counts and subsequent analysis of these counts are therefore required in order to complete a legally defensible DEIR that accurately demonstrates a complete analysis of current traffic conditions. HPUD recommends taking new updated counts at the following intersections and roadway segments:

- Intersections-

- o Dogwood Road/Interstate 8
- o Dogwood Road/ E. McCabe Road
- o Dogwood Road/W. McCabe Road
- o Dogwood Road/SR-86 (Main Street)
- o Dogwood Road/Jasper Road
- o Pitzer Road/SR-86 (Heber Road)
- o Pitzer Road/Jasper Road
- o E. McCabe Road/ SR-111
- o Jasper Road/SR-111

- Roadway Segments-

- o SR-86 from Interstate 8 to Dogwood Road
- o SR-86 from Dogwood Road to Pitzer Road
- o SR-86 (Heber Road) from Pitzer Road to SR-111
- o W. McCabe Road from SR-86 to Dogwood Road
- o E. McCabe Road from Dogwood Road to Pitzer Road
- o E. McCabe Road from Pitzer Road to SR-111
- o Correll Road from Dogwood Road to Pitzer Road
- o Correll Road from Pitzer Road to SR-111
- o Jasper Road from Dogwood Road to Pitzer Road
- o Jasper Road from Pitzer Road to SR-111
- o Dogwood Road from Interstate 8 to Dannenberg Road
- o Dogwood Road from Dannenberg Road to E. McCabe Road
- o Dogwood Road from W. McCabe Road to Correll Road

RESPONSE TO COMMENT LETTER FROM HEBER PUBLIC UTILITY DISTRICT, SIGNED BY JOHN A. JORDAN, DATED NOVEMBER 4, 2008 (COMMENT LETTER HPUD) (continued)

Response to Comment HPUD-3:

See Response to Comment HPUD-2, traffic count comparisons of Year 2005 and 2007 demonstrate that counts in this area have significantly declined in recent years, and specifically at the most project related impacted intersection of Jasper Road/SR-111 which has declined more than 18% over three years. The project traffic study used the worst-case older volumes (Year 2005) to prepare the analysis. The comparison locations were identified to demonstrate the reduction in volumes, which would most likely affect the proposed Calexico/SR-111 project, not those locations for which the project does not contribute significant traffic. Using the older counts complies with providing data, which represents a more conservative analysis. It would be the responsibility of other projects to provide traffic counts within their own specific study areas. It is the opinion of the traffic engineer that prepared the traffic study for the project, that using the older counts complies with providing data, which represents a more conservative analysis. No changes to the EIR or Traffic Study were made pursuant to this comment.

HPUD-3

- o Dogwood Road from Correll Road to SR-86
- o Dogwood Road from SR-86 to Jasper Road
- o Dogwood Road from Jasper Road to Cole Road

3. The DEIR states that the "Existing Conditions Plus Casino Phase" of the Project will only have a direct impact on the intersection of Jasper and SR-111. Page ES-6 of the DEIR states that the sole Mitigation Measure required as a result of direct impacts to Transportation/Circulation from the Existing Conditions Plus Casino Phase of the Project is the "construction of an additional eastbound left turn lane" at the intersection of Jasper Road and SR-111. HPUD considers this unacceptable and anticipates that the data obtained from updated traffic counts would lead to higher ADT counts for the intersections and roadway segments identified in Item No. 2 of this letter. These higher ADT counts may lower the LOS for these segments and intersections to below an LOS of C and require that, in addition to paying fair share contribution for cumulative transportation/circulation impacts, the Project pay for the construction of improvements due to additional direct impacts to the intersections and roadway segments listed in Item No. 2 of this letter **prior to the construction of the Casino Phase portion of the Project.**

In summary, HPUD considers the traffic count data analyzed in the Traffic Study, and subsequent Transportation/Circulation Section of the Project DEIR, to be outdated and inaccurate. HPUD recommends that new traffic counts be obtained and incorporated into the DEIR, along with any additional mitigation measures required due to direct and cumulative impacts to transportation/circulation in the vicinity of the Project site from the proposed Project. The Casino Phase portion of the 111 Callexico Place Project is a large project with significant direct impacts to numerous locations along Dogwood Road, McCabe Road, Correll Road, Jasper Road, SR-86, and SR-111. This is in addition to an increase in traffic and congestion from prior developments in the vicinity of the Project that have to date not been fully mitigated for. Until all transportation/circulation impacts, direct and cumulative, are fully addressed and mitigated, HPUD requests that the developer of the Casino Phase portion of the Project not be permitted to move forward with construction.

We appreciate your consideration of these comments and look forward to your response. Should you have any questions, I can be reached at 760-482-2440.

Sincerely,


John A. Jordan, General Manager
Heber Public Utility District

Cc: file

3

RESPONSE TO COMMENT LETTER FROM HEBER PUBLIC UTILITY DISTRICT, SIGNED BY JOHN A. JORDAN, DATED NOVEMBER 4, 2008 (COMMENT LETTER HPUD) (continued)

Response to Comment HPUD-4:

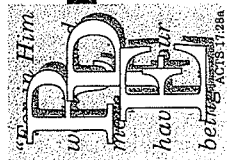
As summarized above in Response to Comments HPUD-2 and HPUD-3, it has been shown that the older counts represent a worst-case traffic analysis and properly identify project related impacts and mitigation. No changes to the EIR or Traffic Study were made pursuant to this comment.

Response to Comment HPUD-5:

As summarized above in Response to Comments HPUD-2 and HPUD-3, it has been shown that the older counts represent a worst-case traffic analysis and properly identify project related impacts and mitigation. No changes to the EIR or Traffic Study were made pursuant to this comment.

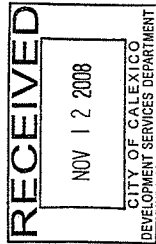
HPUD-4

HPUD-5



**RICHARD PATA
ENGINEERING**

**Comment Letter
RPE**



City of Calexico, Planning Department
608 Heber Avenue
Calexico, CA 92231

Date: November 11, 2008
Project: Calexico 111 Place DEIR

Mr. Villa:

I am writing in response to the environmental document that has been circulated in regards to the Calexico 111 Place Project. Please find my comments below:

1. Table 5-5 of the cumulative impacts for 2015 seems egregiously overestimated for the current economic state of our county and nation. I request that they be reanalyzed for merit. I have resubmitted my own numbers for Calexico Mega Park, as well as that of the Santa Fe subdivision, directly to the traffic engineer for use in this and other reports along the corridor. Additionally, there is a project under the title of Linda Plaza that I cannot find on any project list in the County, and thus has trips affecting all of us that do not exist.
2. Table 5-20 lists Calexico Mega Park with 480 DU of single family residences, we have not ever had residential as a part of our map.
3. Under Section 5.1 it needs to be examined for it seems that several of the cumulative projects are either already complete or have been withdrawn from the City: Bravo Rodiles, CM Ranch, IV Mall Phase 2, McCabe Ranch, Imperial Center, Heber Meadows, Kline Property.

Thank you for your consideration of these issues.

Sincerely,

Anastasia Miki, P.E.
Vice President
Richard Pata Engineering, Inc.

**RESPONSE TO COMMENT LETTER FROM RICHARD PATA ENGINEERING, SIGNED BY
ANASTASIA MIKI, P.E., DATED NOVEMBER 11, 2008 (COMMENT LETTER RPE)**

Response to Comment RPE-1:

This comment states that the EIR overstates the potential cumulative impacts of the proposed project on traffic in the area. Per CEQA Guidelines Section 15130(b)(1)(B), a Lead Agency is authorized to limit its analysis of probable future projects to those which are planned or which have had an application made at the time the Notice of Preparation (NOP) is released for public review. The NOP for 111 Calexico Place EIR was released for public review on March 19, 2007. The projects listed in Table 5-5 were compiled at the time the NOP was released because they either were approved or had an application made at the time. Although some of these projects may no longer be active projects the cumulative impact analysis and the traffic study is in compliance with the CEQA guidelines and no change to the EIR has been made in response to this comment.

With regards to the Linda Plaza project, according to the City of Calexico, this project had an existing application with the NOP at the time the NOP was released for review; therefore, per the requirements of CEQA this project was included in the analysis of the EIR and the traffic study. However, currently this project has been withdrawn.

Response to Comment RPE-2:

This was an error in the EIR. Table 5-20 has been revised to match Table C of the Traffic Impact Study prepared by Darnell and Associates (Appendix B of the EIR).

Response to Comment RPE-3:

See Response to Comment RPE-1. Based on a consultation with the City of Calexico the following provides a status of the projects listed in this comment:

Project	Current Status
Bravo Rodiles	Completed
CM Ranch	Withdrawn
IV Mall Phase 2	Approximately 80 % complete
McCabe Ranch	Phase I and II have be approved
Imperial Center	Not Completed Yet
Heber Meadows	Approximately 60-70% completed
Kline Property	Withdrawn

As discussed in Response to Comment RPE-1, regardless of the current status of these projects the EIR is still required to analyze any projects that had an active application at the time the NOP was released for public review. Therefore, no change to the EIR has been made in response to this comment.



IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / ALLUC.

Comment Letter
ICPDS

CERTIFIED MAIL 7007 1490 0003 4071 5303

JURG HEUBERGER AICP, CFP, CBO
PLANNING & DEVELOPMENT SERVICES DIRECTOR

November 13, 2008

City of Calexico
608 Heber Avenue
Calexico, CA 92231

Attention: Armando G. Villa, Director of Development Services

Subject: Draft Environmental Impact Report (DEIR) for the 111 Calexico Place
and Casino Project, Calexico, California/SCH #2007031092

Dear Mr. Villa:

The Imperial County Planning and Development Services Department has received the draft Environmental Impact Report for the 111 Calexico Place Specific Plan on October 1, 2008, for review and comment. The cover letter from the City of Calexico indicates that there is an "Extension of Public Review Period" for the Draft EIR until the deadline date of November 21, 2008. The County staff has reviewed the Draft Environmental Impact Report and has the following comments on the draft document.

1) Throughout the Draft EIR there is extensive use of a "previous EIR" for the now non-existent Calexico International Center. The reliance of this EIR is in error as there is virtually no similarity. The prior project did not have casino element nor is the commercial and industrial concentrations even similar. The 111 Calexico Place Specific Plan needs a full EIR not a partial one. Additionally, if the projects were identical the use of EIR for the Calexico International Center would still be not be acceptable due to the fact that it is more than 5 years old (Government Code 21157.6). Perhaps even more questionable is the fact that the specific plan is not yet complete thus not available to get a total picture of the project.

2) There is a distinctive difference between a large scale casino project and a commercial/industrial development. The nature and frequency of the visits are different. The visual impacts, traffic patterns, air impacts are all different. For example the casinos are well known for their aggressive visual displays and lighting and building colors all designed to attract customers from major distances and yet the Draft EIR states that the "previous EIR" has found no visual impacts. The Draft EIR needs to be significantly revised, all references to the "previous EIR" need to be reviewed and replaced with project specific environmental analyses. The development of a large casino will have an impact on the visual character and the light and glare of the area.

Page 1 of 5

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(AN EQUAL OPPORTUNITY EMPLOYER)

111 Calexico Place Specific Plan

Final

0.3-54

December 2008

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS)

Response to Comment ICPDS-1:

The 111 Calexico Place EIR does not rely on the previous EIR to establish the baseline for the project area, provide the description of the proposed project, nor identify the significant environmental effects and mitigation measures related to the 111 Calexico Place Project. Rather, the EIR incorporates relevant information from the Calexico International EIR by reference as permitted under CEQA Guidelines section 15150.

The Specific Plan is being prepared concurrent with the environmental review, incorporating environmental mitigation measures and other information from the EIR. Prior to adoption of the Specific Plan and certification of the EIR, other agencies and the public will have the opportunity to review the Specific Plan.

Response to Comment ICPDS-2:

The 111 Calexico Place EIR includes new traffic and air quality technical reports that are independent of the previous EIR analysis. With regard to aesthetics, the EIR aesthetics analysis does not depend on the previous EIR. It describes the current environment, including existing conditions, and existing regulations. Impacts to Scenic Views, Scenic Resources and State Scenic Highways, Visual Quality or Character, and Light and Glare are assessed. This current information and analysis supports the Draft EIR finding that the project would not result in a significant aesthetics/visual quality impact.

The EIR demonstrates no significant effects to aesthetics based on the new project and a new analysis that is not dependant on the previous EIR analysis. The EIR notes that the project would convert fallow agricultural land to a commercial highway use and a casino resort complex/hotel. This change would impact the visual character of the site. It would not be a significant environmental effect because the visual displays mentioned in the comment would not trigger any of the significance thresholds detailed in Section 4.2.2 of the EIR.

With regards to light and glare as discussed in Section 4.2.2 of the EIR on pages 4.2-4 and 4.2-5, the proposed project has the potential to create a new source of substantial light or glare during day or nighttime. However, the design of the project including a lighting plan and type of building materials used would be reviewed by the City for compliance with the City's Municipal Code to ensure that the project does not use light fixtures and building materials that would create a significant light and glare impact. As such, the EIR identified a less than significant impact to light and glare.

Comment Letter
ICPDS
(cont'd)

111 Calexico Place
DEIR Response Letter
November 13, 2008
Page 2 of 5

- 3) In addition to the Imperial County Public Works Draft EIR comment letter attached hereto, this Department finds that the traffic analysis needs to be revised to review the impacts to the motor vehicle and bicycle travel route from the Community of Heber. Specifically, potential impacts to Pitzer Road and Jasper Road and should this read "at" rather than "and" the intersection of Pitzer Road and Jasper Road. Additionally, the traffic study needs to be done on a regional level, at least twenty (20) miles around the project.
- 4) The Draft EIR needs to address the extension of Jasper Road to Dogwood Road (currently a dirt access road) along with the intersection of Dogwood Road and Jasper Road. All improvements shall be to County Standards.
- 5) The Draft EIR needs to expand its analysis on the County's bicycle travel routes including the project's need for a bicycle travel route from the Community of Heber to the project site.
- 6) Chapter 2.0, Section 2.6 Discretionary Actions or Approvals by Other Agencies, page 2-17, the DEIR states that "...prior to any Class II gaming at the site, the following discretionary actions or approvals are required: 1. State of California (Gaming Compact), 2. Bureau of Indian Affairs (Fee-to-Trust Annexation), 3. National Indian Gaming Regulatory Commission (for any Casino Management Contract)..."
- The County has been working with the City of Calexico, Imperial Irrigation District, CALTRANS, and adjacent project proponents for various previously City-approved and future proposed large residential and commercial developments along the Jasper Road Corridor. As part of these continuing discussions, the issue of the amount of "fair share" that each will pay for the required improvements to Jasper Road and the "clover-leaf" engineering design of the interchange is still pending. The DEIR does not provide a cost estimate for obtaining the requisite County encroachment permit(s) for impacted County/City/State roadway rights-of-way, intersection improvements, engineering on Jasper Road, impacts on staffing for Sheriff/Coroner, and County fire fighting coordination resulting from the above project.
- It is necessary that each of the above parties be provided a framework on when and how these "fair share" costs will be calculated, including but not limited to, roadway specification/design within a twenty (20) mile radius, time frame for "fair share" payments on impacts to County roads and intersections, and how disbursements shall be set up through the City's "Jasper Road Benefit Assessment District" for the payment of the required improvements on Jasper Road and other affected roadways.

- 7) Page 7-1, it states that "...none of the land uses proposed by the project will be occupied on an individual 24 hours per day 7 days a week like a residential use would. Therefore, implementation of the proposed project would not have a significant impact on agricultural resources..." However, the proposed Casino will certainly be open 24 hours per day, 7 days per week, for gaming purposes. The Draft EIR identifies a total of 2,400 new employees for the project site with a total \$9,285 Average Daily Trips (ADT's) to be generated for the project that is not only growth-inducing but also creates the potential for adjacent farmlands to be converted to non-agricultural uses.

Page 2 of 5

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-3:

The intersection of Pitzer of Jasper Road is included in the traffic study prepared for the project and analyzed for all conditions. The project study area for the traffic study was defined using the distribution of the project to mainline freeways, border crossings, and where the project volumes disperse into existing developments. Once the future project phases develop, significant cumulative traffic from residential and other commercial projects interact with the proposed project. As such, traffic from the proposed project outside the current study area result in double counting of vehicles and reduce the direct (or "new") project traffic to minimal volumes.

Response to Comment ICPDS-4:

The extension of Jasper Road to Dogwood is included in the traffic study and analyzed for all conditions. The project has mitigation measures to improve Jasper Road to the west, including a realignment of Willoughby to Jasper Road. The project includes and addresses an interim improvement of Jasper Road entirely on the applicant's property. This improvement would be within the City and it would be improved in consultation within the County. Improvements in the County would be to standards acceptable to the County.

ICPDS-6

Response to Comment ICPDS-4:

The City of Calexico and Imperial County coordinate to ensure that their respective Bicycle Master Plans provide facilities that interconnect. For the proposed project, roadway improvements are required that will connect the City of Calexico with the County of Imperial and Heber. All such improvements would implement Bicycle Master Plan connections and facilities when they are constructed. In particular, the required widening of Jasper Road and Dogwood Road would incorporate bicycle lanes tying the project site to Heber.

Response to Comment ICPDS-6:

As identified in Section 5.0 Cumulative Impacts of the EIR, Mitigation Measures CUMLI through CUMLI30 have been revised to clarify the City's plan to determine fair share costs and implementation of mitigation measures.

ICPDS-7

With regards to the Sheriff/Coroner/fire fighting coordination, it is anticipated that Casino-related impacts would be offset through sharing of funds provided by the Tribe through the MOU with the City of Calexico. For non-casino aspects of the project funding would be through applicable impact fees, increases in property taxes, and other related revenue streams.

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-7:

The issue with 24-hours per day occupancy, seven days per week is related to exposure of sensitive receptors to chemicals used in agricultural operations and the associated health effects. The comment is correct that the casino likely will be occupied 24 hours per day, 7 days per week; however, this will be by different individuals. It is not expected that any one person would occupy the casino continuously for anything close to a period of 24 hours per day, 7 days per week.

With regard to growth inducement, Section 6.1, which recognizes the new jobs that will be created, concludes that the proposed project would not be growth inducing. The project would not be growth inducing because of the high unemployment rate in Calexico and the fact that the unemployed local labor force has skills needed to fill most project-related jobs, as described in Section 6.1.

Comment Letter
ICPDS
(cont'd)

8) Chapter 4.0, Section 4.5 Noise, needs to be revised to look at innate conflicts between adjacent noise levels. The County land to the north and west is currently zoned agriculture which has a higher acceptable noise generation level than the City's commercial noise level. Mitigation needs to be proposed to create a noise buffers between the agriculture lands and the project site to ensure that the people area is not exposed to adverse noise levels generated during normal agricultural operations.

ICPDS-8

9) The project site plan provided several times throughout the Draft EIR shows a bridge crossing the Central Main and Dogwood Canals at the Sunset Boulevard southern extension, however the Department failed to locate a detailed environmental analysis on this proposed bridge.

ICPDS-9

10) Review of the project site plan shows that other than Jasper Road presently the only other access to the site is via Scaroni Road. Is there any proposed changes to the existing Scaroni Road Bridge as a result of the realignment of Scaroni Road, and has there been any analysis on impacts to the bridge as a result in the increase traffic on Scaroni Road? With Scaroni Road being the only emergency access in the event Jasper Road is blocked is the road sized sufficiently to handle the emergency traffic flow? Is the Sunset Boulevard bridge being proposed as a second emergency access, is so what is the phased plan construction of the bridge?

ICPDS-10

11) As discussed in our prior comment letters, the BIA's Environmental Impact Statement will need to analyze the development of a casino within a community that has previously not experienced one and its resultant impacts on the community, County area, and region, e.g. the increased need for police/sheriff services, fire/emergency services associated with a large assemblage of people on a 7/24 continuous basis. The issues that have been identified with the gaming industry, i.e. negative aspects such as crime, gambling addiction, traffic congestion, among others, must be addressed. Any discretionary actions by the City or the County should only be undertaken after the Tribe-State Gaming Compact has been completed and with appropriate mitigations having been fully vetted by all impacted parties.

ICPDS-11

12) There is no mention of how the proposed Casino addresses impacts to the neighboring Quechan Tribe's gaming facilities. One of the significant findings for future Tribal gaming in the State of California is for a Tribe's economic self-sufficiency, but if achieved at the price of other local Tribes having their existing operations possibly curtailed or eliminated, this may not be in the best interest of the Native American communities in the County of Imperial.

ICPDS-12

13) The BIA's environmental analysis also needs to address the economic costs to local jurisdictions. If this was a private development within Calexico's city limits, it would generate a huge property tax base and, therefore, the socio-economic "cost-benefit analysis" of the proposal must address what exactly the offsets will be for the proposed Casino and commercial developments. None of the attachments to the DEIR include a fiscal impact analysis on the socio-economic costs of the proposed Casino and adjacent developments.

ICPDS-13

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-8:

This comment is that noise from adjacent and nearby farming activities in the County would adversely affect the proposed commercial uses. Agricultural lands occur immediately to the north of the site across Jasper Road. They also occur to the west of the site on the western side of the canals and railroad. In both cases, the noise levels generated by agricultural activities would be a very small addition to the noise levels generated by anticipated traffic volumes on Jasper Road and railroad traffic. Agricultural noise would occur occasionally during active farming, and would not be noticeable over the traffic and railroad noise levels. Farming-related noise would also be protected by the County's Right to Farm Ordinance. There would be no significant impacts and need for any additional mitigation.

Response to Comment ICPDS-9:

The design details for future bridges at Sunset and Scaroni are not known, except that the bridges will span the canals. To the extent possible the effects of these future bridges are address in this EIR on pages 4.6-7, 4.7-3, and 4.7-4. Based on the final design to be completed at a future date, subsequent environmental review may be required.

Response to Comment ICPDS-10:

Please see response to Comment ICPDS-9 regarding environmental review of bridges over Central Main and Dogwood Canals. The realignment of Scaroni Road and the Sunset Road bridge are not needed for the Casino Phase of the project. Scaroni Road would be realigned and widened as described in Section 2.4.4.2 of the EIR. The traffic study has identified the required lane configuration for the Scaroni Road Bridge to handle project-related traffic, and the bridge will provide the needed number of lanes. For the Casino Phase, Scaroni Road would be the only road to exit the site to the south. There would be two entrances to Jasper Road, one at Scaroni Road and one at Sunset. It is considered unlikely that Jasper Road would be blocked for its entire length between Scaroni Road and Sunset. As such there would be at least two access points to the site in emergency situations. The Sunset Road bridge would provide another access to and from the site. It would not serve as emergency access only. It would be provided beginning at Phase 1 when project-related traffic volumes warrant another access to the site.

Response to Comment ICPDS-11:

This comment is noted and will be forwarded to the Bureau of Indian Affairs the federal lead agency for preparation of the EIS.

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-12:

This comments concerns findings required for the approval of future gaming facilities in California. Because the comment does not raise a significant environmental issue or concern the adequacy of the EIR, no further response is required.

Response to Comment ICPDS-13:

Please see Response to Comment ICPDS-12 regarding the need to address economic effects in an EIR.

Comment Letter
ICPDS
 (cont'd)

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

14) A few of the minor "typos" that may need global review include changing "Planning Department" to "Planning and Development Services Department"; page 4.1-2, Figure 4.1-1, Existing General Plan Land Uses Map, in the Figure's "Legend" there are a number of misspellings that need to be corrected. **ICPDS-14**

Response to Comment ICPDS-14:
 This comment is noted and the identified typos have been corrected.

15) A statement is made in the DEIR, page 2-18, that "...It is intended that the information in this EIR will be relied upon to satisfy environmental review requirements of a Future Tribal-State Gaming Compact for a casino at this site..." However, the Draft EIR contains two response letters from the Quechan Tribe and CALTRANS that the National Environmental Policy Act (NEPA) process must be followed. The submitted Draft EIR does not appear to answer the specific questions raised in the attachment nor meet the NEPA requirements. **ICPDS-15**

Response to Comment ICPDS-15:

The statement on Page 2-18 is related to a future Tribal-State Gaming Compact and not the National Environmental Policy Act (NEPA) review requirements for federal actions of the Bureau of Indian Affairs OR National Indian Gaming Regulatory Commission. Past Tribal-State gaming compacts have required the preparation of a CEQA-like document to address the off-Reservation environmental effects of a Class III Gaming Facility. Because there is no existing compact between the Manzanita Band and the State, it is not possible to determine the precise requirements that would be specified in any future compact. The purpose of the statement was to inform the public and decision makers that this EIR will be relied upon to fulfill the environmental review requirements of a future Tribal-State gaming compact. Whether is EIR will satisfy all of the requirements of a future Tribal-State Gaming Compact cannot be known until a proposed Compact is prepared and the requirements are fully known.

16) Without a written response from the BIA Pacific Regional Office, it is very difficult to provide a comprehensive response to either the Draft EIR or the Bureau of Indian Affairs environmental analysis prepared for the proposed "Fee-to-Trust" land transfer to the Manzanita Band. The County has received two letters that indicate that the National Environmental Policy Act (NEPA) process must be followed. **ICPDS-16**

17) The Department is unclear on the phasing plan. Is the Casino the first phase of the project or does it run concurrently with one of the other identified project phases? How does the improvements roads, sewer, water, drainage, power, etc., work in relation to the phasing plan. The Draft EIR discusses the improvements in terms of the Phases 1 through 4. Please clarify the actual phasing of this project. The Department strongly suggests that the casino phase be incorporated within one of the four phases. **ICPDS-17**

Response to Comment ICPDS-16:

The City of Calexico understands that the Bureau of Indian Affairs is preparing an Environmental Impact Statement (EIS) for the fee-to-trust annexation and the casino management contract in accordance with the requirements of NEPA. This EIR is not BIA's EIS. The City of Calexico believes that the County received a Public Scoping Notice for the scoping meeting held in the Board of Supervisor's chambers on March 27, 2008, and the Notice of Intent to Prepare an Environmental Impact Statement dated March 6, 2008.

The Department also took the time to do an initial review the proposed Tentative Tract Map, our comments are as follows:

18) There are a number of inconsistencies and typos between the two Tentative Tract Maps (TTM), the Draft EIR and the documents in the Appendices. The two TTM's that have been received to date, i.e. Sheets 1 of 2, dated January 30, 2007, identifies Lots 1 through 24, and Sheets 1 of 2, dated February 15, 2008, identifies Lots 1 through 20, the Draft EIR and Appendices. The Draft EIR, page 2-16, 4, Tentative Tract Map, states that "...The project site will be divided into 19 separate lots..." and in the Water Assessment Report, page A-15, it states "...subdivide the Specific Plan into 25 separate lots..." all of the documents should be revisited to reflect the correct number of lots, i.e. 19, 20, 24, or 25. **ICPDS-18**

Response to Comment ICPDS-17:

The Casino is the first Phase of the project. Phase 1 is expected to follow the Casino Phase, though there may be some overlap (See EIR Table 2-1). The EIR does provide the public improvements needed to support the Casino Phase. Please see EIR Sections 4.3.5.1, 4.1.0.5 (PS2 and PS3), 4.1.1.4, and 5.2.3.1 A for specific requirements related to the Casino phase of the project. In addition, the following table has been created based on the information provided in the EIR to try to clarify the specific improvements for each phase.

19) According to the County Assessor's Plat maps, the existing parcels consist of three (3) parcels totaling "215.66 acres". However the latest TTM submitted, identifies the acreage as "Area = 266.44 acres". The Draft EIR, dated September 2008, page ES-2, identifies the site as "232 acres". The Biological Report, page 1, identifies the project site as "218.37 acre" and for consistency purposes all of the project documents should reflect the correct acreage figure. **ICPDS-19**

20) Figure 4.8-2, page 4.8-11, Detention Basin "elevations" are not consistent with the TTM Sheet 2 of 2, or Figure 10, page 57 of the Utilities Study in the Appendices and the "elevations" in all of the appended documents should be revisited. **ICPDS-20**

21) The Draft EIR, page 2-1, identifies the project as being completed within "...five phases over a period of 11 years..." However, Figure 2-5, "Phasing Plan" shows that there are **ICPDS-21**

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-17: (cont'd.)

Phase of Development	Project Improvements
Casino Phase Only	<p>Roadway Improvements: are identified as Mitigation Measures T1 in EIR.</p> <p>Water Improvements:</p> <ul style="list-style-type: none"> - Onsite Improvements: - 24-inch pipeline on Sunset Boulevard; - 24-inch pipeline next to Jasper Road; - 12-inch pipeline located at the east side of the project site; and, - 8-inch pipelines on public and private roads within the project site (only those located between Scaroni Road and Sunset Boulevard). <p>Offsite Improvements:</p> <ul style="list-style-type: none"> - 24-inch and 12-inch pipelines that will connect with the existing infrastructure on the intersection of Robinson Boulevard and Sunset Boulevard and Scaroni Road, respectively. <p>Wastewater Onsite Improvements:</p> <ul style="list-style-type: none"> - All the 8-inch and 12-inch pipelines proposed on Sunset Boulevard; - All the 8-inch and 12-inch pipelines proposed on Scaroni Road; - All the 8-inch and 12-inch pipelines proposed between Scaroni Road and Sunset Boulevard; - A 400 GPM Lift Station for temporary use; and, - A 6" Force Man for temporary use (hung on Scaroni Road Bridge over canal).

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-17: (cont'd.)

	<p><u>Drainage:</u></p> <ul style="list-style-type: none"> - Four detention basins; - 6-inch main in the Casino facility area; - 6-inch force main or 12-inch gravity pipeline that will discharge in the Strout Drain; and, - All of the 15, 24, 30, 36, 42, and 48-inch pipelines proposed (with the exception of those indicated at the east side of the proposed Scaroni Road). <p><u>Electricity:</u> Identified as Mitigation Measure PU3 in EIR.</p>
Phases 1 and 2	<p><u>Roadway Improvements:</u> are identified as Mitigation Measures T2 through T10 in EIR.</p> <p><u>Water Improvements:</u></p> <ul style="list-style-type: none"> - Same as Casino Phase <p><u>Wastewater Onsite Improvements:</u></p> <ul style="list-style-type: none"> - Same as Casino Phase <p><u>Drainage:</u></p> <ul style="list-style-type: none"> - Same as Casino Phase <p><u>Electricity:</u> Identified as Mitigation Measure PU3 in EIR.</p>
Phase 3	<p><u>Roadway Improvements:</u> no direct impacts to traffic were identified at this phase, just cumulative impacts.</p> <p><u>Water Improvements:</u></p> <p><u>Onsite Improvements:</u></p> <ul style="list-style-type: none"> - 12-inch pipeline located next to Jasper Road; and, - 8 and 12-inch pipelines located at the west side of Sunset Boulevard within the Phase 3 of the project site. <p><u>Offsite Improvements:</u></p> <ul style="list-style-type: none"> - No off-site water improvements are needed at this phase.

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-17: (cont'd.)

	<p><u>Wastewater Onsite Improvements:</u></p> <ul style="list-style-type: none"> - 8-inch pipelines located on the private road at the west side of Sunset Boulevard within Phase 3 of the project site.
	<p><u>Drainage:</u></p> <ul style="list-style-type: none"> - 24-inch pipelines located in the private road at the west side of Sunset Boulevard within Phase 3 of the proposed project.
	<p><u>Electricity:</u> identified as Mitigation Measure PU3 in EIR.</p>
	<p><u>Roadway Improvements:</u> no direct impacts to traffic were identified at this phase, just cumulative impacts.</p>
Phase 4	<p><u>Water Improvements:</u></p> <p><u>Onsite Improvements:</u></p> <ul style="list-style-type: none"> - 8-inch pipelines located at the west side of Sunset Boulevard within the Phase 4 of the project site. <p><u>Offsite Improvements:</u></p> <ul style="list-style-type: none"> - No off-site water improvements are needed at this phase.
	<p><u>Wastewater Onsite Improvements:</u></p> <ul style="list-style-type: none"> - 8-inch pipelines located on the private road at the west side of Sunset Boulevard within Phase 4 of the project site.
	<p><u>Drainage:</u></p> <ul style="list-style-type: none"> - No stormwater drainage improvements are required for this phase.
	<p><u>Electricity:</u> identified as Mitigation Measure PU3 in EIR.</p>

Response to Comment ICPDS-18:

The current Tentative Map (TM) is dated May 7, 2008 with 20 lots. The Final EIR has been revised to reflect the current tentative map. A change in the number of lots between various iterations of the Tentative Map does not affect the environmental impacts, significance of impacts, or mitigation measures reported in the EIR or Technical Reports,

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-18: (cont'd.)

because the size of the overall project site and the development intensity reviewed is unchanged. For this reason, the technical reports have not been revised to reflect the revised Tentative Map.

Response to Comment ICPDS-19:

The correct acreage for the project is as stated on the latest TM as 226.44 acres in three County Assessor's Parcels 059-020-06-01; 059-05-01; 059-010-01-01 consisting of 7 land parcels. The Final EIR has been revised to reflect the current TM. The biology report is based on GIS estimates of acreage, a process that under reported the actual site acreage by approximately 3.7 percent. A review of the figures in the biology report (see for example Figure 3) and the actual site plan (EIR Figure 2.4) demonstrates the biology report is based on the entirety of the project site. The correct acreage that should have been reported on Pages 1, 7, 8, 17, and 18 of the Biology Report is as follows:

Site = 226.44 acres
Active Agriculture = 1.56 acres
Fallow Agriculture = 208.95 acres
Arrow-Weed Scrub = 2.05 acres
Tamarisk Scrub = 0.87 acre
Disturbed Cismontane Alkali Scrub = 0.22 acre
Ruderal = 9.16 acres
Disturbed/Developed = 3.63 acres.

Since the biology report considered the environmental effects of impacting the entire site, it merely under reported the acreage based on the use of GIS, the impacts are not substantially different than reported in the EIR. Impacts to vegetation remain less than significant and no mitigation is required. Since impacts to these vegetation types were not found to be significant and remain less than significant, this minor correction does not affect the adequacy of the EIR. Impacts to sensitive species associated with the vegetation types remain significant and mitigable as reported in the EIR. Since impacts remain significant and mitigable with the measures required by the EIR, this does not constitute substantial new information and the EIR is adequate.

Comment Letter
ICPDS
(cont'd)

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

ICPDS-21
(cont'd)

only four phases and page 4.2-4 states that the "...construction would occur in five phases, which could span over 10 to 15 years..."

- 22) On Sheet 1 of 2, the "Lot 1 Detention Basin 1" identifies the square footage of the basin as "318,000", however, the Capacity identified at the bottom of the sheet gives the capacity of Basin 1 as "314,605". In the Draft EIR, Figure 2-3, Conceptual Site Plan, page 2-7, it identifies four (4) proposed "Detention Basins", however, within the "Utilities Study", Figure 1, it shows only three (3) detention basins. All of the project documents should be revised to ensure consistency.

ICPDS-22

Response to Comment ICPDS-20:
The Utilities Study dated April 2008 and the Tentative Map dated May 7, 2008 are consistent with four detention basins. The elevations for the detention basins are a conceptual estimate. Final detention basin elevations will be based on the final design and hydraulic calculations and will be reported on the Final Map.

ICPDS-23

Response to Comment ICPDS-21:
The Casino Phase will be the first phase of five phases (See EIR Table 2-1).

In Summary:

The Department has raised a number of significant concerns on the adequacy of this draft EIR. The above questions need answers, including growth-inducement impacts on adjacent agricultural lands, identification of mitigation measures and "fair share" fees, as well as the final details for the various agreements between the above-mentioned parties. The Calexico Planning Commission and City Council should not take action until review of all documents relating to the 111 Calexico Place has taken place by affected entities and the questions raised have been answered, environmental documents have reviewed and all environmental and funding/fee issues have been resolved.

The affected County Departments have provided their comments attached hereto this letter.

The County reserves the right to respond to the Final EIR on 111 Calexico Place when it is received, and also to comment on the Bureau of Indian Affairs Draft EIS regarding the State of California's "Gaming Compact", the "Fee-to-Trust Annexation" and the National Indian Gaming Regulatory Commission's determination.

Should you have any questions or comments regarding this matter, please feel free to contact Jurg Heuberger, AICP, at (760) 482-4236, extension 4310 or via e-mail at jurgheuberger@co.imperial.ca.us.

Sincerely,


JURG HEUBERGER, AICP, CEP
Planning and Development Services
Department Director

Attachments

cc: Board of Supervisors
Michael Rood, County Counsel
Stephen L. Bidsell, Agricultural Commissioner
William S. Brunt, P.E., Department of Public Works
Manuel Ortiz, P.E., Asst. County Engineer, Public Works
Brad Pantez, Air Pollution Control Officer
Johnny Romero, Imperial County Deputy Fire Marshall
Amy Schaefer, County Engineer, Bureau of Planning & Development
Dana Schaefer, Asst. Planning & Development Services Director
Jim Minkels, County Planning Division Manager
File: City of Calexico Correspondence file
File: 10.101, 10.102, 10.103, 10.105, 10.138

JHDG:\IMR\CD\CA\S\ITY OF CALEXICO\Manzanilla Casino Project\DEIRResponse\alter111CalexicoPlace\CasinoProject\c comments REVISED 11-18-08.docx

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY PLANNING AND DEVELOPMENT SERVICES, SIGNED BY JURG HEUBERGER, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICPDS) (continued)

Response to Comment ICPDS-22:

The square footage and volume for all the detention basins are listed in the May 7, 2008 TM with a total volume of 2,552,868 CF. This volume is adequate to contain stormwater associated with a 100-year storm event, based on conceptual design. Since the TM is based on conceptual design, the total volume incorporated into the Final Map may be somewhat different because it will incorporate final engineering and hydrologic design information.

Response to Comment ICPDS-23:

The responses to each of the County's comments demonstrate that the EIR for the 111 Calexico Place Project was prepared in accordance with the requirements of the California Environmental Quality Act.

The City looks forward to a continued positive working relationship with the County other Cities, and special districts to develop regional strategies to meet regional needs.

IMPERIAL COUNTY

DEPARTMENT OF SOCIAL SERVICES

Comment Letter

ICDSS

2995 S. 4TH STREET, SUITE 105
EL CENTRO, CA 92243
TELEPHONE: (760) 337-6800

 COPY

11-7-08

Ralph Cordova, CEO
County Administration Center
El Centro, CA 92243

RECEIVED

NOV 10 2008

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES
Subject: Estimate of Manzanita Casino Impact on Social Services

Dear Ralph,

After reviewing and analyzing the impact of the proposed casino with my Deputy Directors of both Adult and Children's services, we have developed estimates based on an internal review as well as discussions with other county social service agencies that have been impacted by new casinos. Once the casino is up and running we will continually track actual time of social workers following up on impacted cases to come up with actual on-going costs.

Impact of Casino on Children and Family Services (Child Protective Services- CPS)

It is estimated that Children's Services Social Workers will spend 40 hours/month to respond and follow-up on casino related referrals. We estimate approximately 5 referrals a month at 8 hours Social Worker follow-up per referral. It is projected that referrals would include any of a number of different reasons for intervention. These include: children left alone while parent(s) are at the casino, gambling addiction behavior on the part of one and/or both parents which could result in severe economic impact on the family such as inability to meet rent, utility, food and other family necessities, emotional stress and mental health issues which could result in domestic violence, drug and alcohol abuse issues and other related impacts.

To estimate costs based on the above, the following methodology was utilized:

One Social Worker 111 (C Step) at \$3,725/month times 40% benefits = \$5,215 times 45% overhead (clerical and other allocable support costs) = \$7,562/month.

Based on 173 work hours month (40 hours/wk times 4.33 weeks/month), it is estimated that 40 hours of social worker time month would equal .231214 months (40 hours investigation/ response time divided by 173 hours/month equals .231214/month investigation/response time.

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT OF SOCIAL SERVICES, SIGNED BY JAMES SEMMES, DATED NOVEMBER 10, 2008 (COMMENT LETTER ICDSS)

Response to Comment ICDSS-1:

This comment states that the proposed project will cause the Imperial County Department of Social Services to incur increased costs to provide Children and Family Services and Adult Protective Services to customers and other persons related to the proposed casino project. An EIR is required to analyze the potential impacts of the proposed project on the physical environment. CEQA does not require an EIR to analyze economic or social effects, such as the increased cost of providing social services, unless such effects cause or contribute to a change in the physical environment. Since the comment does not identify any physical changes in the environment that would directly or indirectly caused by the increased cost of providing social services, no further response is required. However, the concern expressed in the comment will be considered by the Planning Commission and/or City Council when it makes a decision whether or not to approve the proposed project.

ICDSS-1

Taking \$7,562/month fully loaded Social Worker costs times .231214/month investigation/response time would equal \$1,748.44/month times 12 months equals \$20,981/year for Children's Services

Impact of Casino on Adult Protective Services (APS)

It is estimated that Adult Services Social Workers will spend 40-80 hours/month to investigate and respond and follow-up on casino related referrals. We estimate approximately 3-5 referrals a month with an estimated service time of 8-16/hours per case. It is projected that referrals would include a number of different reasons for intervention. These include: gambling addiction behavior on the part the adult which could result in severe economic impact on the home circumstances such as inability to meet rent, utility, food and other necessities, emotional distress and mental health issues which could result in depression, suicidal tendencies, drug and alcohol abuse issues and other related impacts. One other area of potential referral would be that of a caretaker/relative coercing or stealing money from the victim to go gamble. (Fiduciary Abuse) We actually have one of those kinds of cases currently and the potential for more such cases might be greater with a casino so close. Per our Adult Protective Services manager, we are going with the more conservative number of 40 hours/month because elder abuse is under reported so we may not get as many reports as are actually occurring.

To estimate costs for Adult Protective Services impact, therefore, the following methodology was utilized:

One Social Worker 111 (C Step) at \$3,725/month times 40% benefits = \$5,215 times 45% overhead (clerical and other allocable support costs) = \$7,562/month.

Based on 173 work hours month (40 hours/wk times 4.33 weeks/month), it is estimated that 40 hours of social worker time month would equal .231214 months (40 hours investigation/response time divided by 173 hours/month equals .231214/month investigation/response time.

Taking \$7,562/month fully loaded Social Worker costs times .231214/month response time would equal \$1,748.44/month times 12 months equals \$20,981/year for Adult Protective Services.

Summary of Costs Estimates:

Based on the above, our annual estimated impact on Social Services for both the Children and Family Services Program and the Adult Protective Services Program is as follows:

\$20,981 dollars a year for Children's Services
\$20,981 dollars a year for Adult Services
\$41,962 Total dollars/year impact

ICDSS-1
(cont'd)

We therefore are submitting our estimated annual impact cost of the proposed Manzanita Casino at \$41,962.

As mentioned above, once the casino is in operation, we will track actual impact and costs and provide that information at such time it is requested.

Thank you for giving us the opportunity to respond to the proposed impacts of the Manzanita Casino of the Imperial County Department of Social Services.

Sincerely,



James Semmes, Director
Department of Social Services

cc JURG HEUBERGER, PLANNING DIRECTOR
GARY ANDREWS, DEPUTY DIRECTOR ADULT SERVICES
MICKEY CASTRO, DEPUTY DIRECTOR CHILDREN AND FAMILY SERVICES

Comment Letter
ICFD

ADMINISTRATION/PREVENTION
1078 Dogwood Road
Heber, CA 92249
Phone: (760) 482-2420
Fax: (760) 482-2427



OPERATIONS/TRAINING
2514 La Brucherie Road
Imperial, CA 92251
Phone: (760) 355-1191
Fax: (760) 355-1482

November 10, 2008

Mr. Jurg Heuberger, Director
Imperial County Planning/Building Dept.
939 Main Street
El Centro, CA. 92243

RE: EIR FOR 111 CALEXICO PLACE SPECIFIC PLAN

Dear Mr. Heuberger:

This letter is in response to the Draft Environmental Impact Report that the Imperial County Fire Department received and was asked for comment. The EIR is for the 111 Calexico Place Specific Plan at the proposed site of Hwy. 111 and Jasper. I have reviewed the project and discussed with staff the potential impacts and wanted to address the following items.

ICFD-1

1. This project borders the Imperial County Fire Department response area for Station #2 located in Heber, CA. This project has the potential to generate an increased request for services and responses. In the event that any calls for aid are received for service in this proposed area, Imperial County Fire Department would request that the adopted fee schedule be adhered to. This would be for emergency responses including, but not limited to fire, prevention, medical, rescue and hazardous materials/hazardous device responses.

ICFD-2

2. This project also has the potential for generating additional traffic into the county area which would increase the possibility of traffic accidents. The Imperial County Fire Department has concerns with the possibility for increased traffic accidents occurring in these areas of high rated speed.

I would like to thank you for the opportunity to comment on this project. If you have any questions or concerns related to this letter, feel free to contact me at (760) 482-2420.

Respectfully submitted,



Tony Rouhotas
Fire Chief
Imperial County Fire Department.

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY FIRE DEPARTMENT, SIGNED BY
TONY ROUHOTAS, DATED NOVEMBER 10, 2008 (COMMENT LETTER ICFD)

Response to Comment ICFD-1:

As discussed in Section 4.10 Public Services of the EIR, fire protection services for the project site will be provided by the City of Calexico Fire Department and its existing facilities. As part of the development of the Casino facility portion of the proposed project, a joint police and fire station for the City is proposed to be constructed within the project site to help provide emergency response services to the project site and surrounding area. As such, it is not anticipated that the proposed project would require substantial services from the Imperial County Fire Department. It is anticipated that Casino-related impacts would be offset through sharing of funds provided by the Tribe through the MOU with the City of Calexico. For non-casino aspects of the project funding would be through applicable impact fees, increases in property taxes, and other related revenue streams.

Response to Comment ICFD-2:

Any project-related traffic accidents occurring in the County area of Heber would likely be responded to by Station 2. See Response to Comment ICFD-1. The EIR identifies several mitigation measures to reduce traffic related impacts to a level less than significant. With the implementation of these mitigation measures it is anticipated that traffic safety would be improved, which would ultimately reduce traffic accidents.

IMPERIAL COUNTY SHERIFF'S OFFICE
RAYMOND LOERA
SHERIFF-CORONER-MARSHAL

November 13, 2008

Jurg Heuberger, Director
County of Imperial Planning and Development Services
801 Main Street
El Centro, CA 92243

SUBJECT: RESPONSE TO ENVIRONMENTAL IMPACT REPORT (EIR) for
111 Calexico Place Specific Plan by BRG Consulting -September 2008

Dear Mr. Heuberger:

In reference to the subject above, this Office has determined that a 459,621 square foot Class III tribal gaming casino facility and hotel located in the city limits of Calexico, which is bordered by the County of Imperial to the north, east, and west would have a significant to moderate impact on the services, equipment, and the personnel provided by the Imperial County Sheriff's Office. The project consist of a 93,880 square foot gaming area; 400 room hotel; 411,000 square foot retail area; 110,000 square foot restaurant; 395,000 square feet of office space; 340,00 square feet of office tech space; and a 20,800 square foot police/fire station.

The law enforcement agency that would have primary jurisdiction over this project is the Calexico Police Department. The Calexico Police Department currently has allocations for 50 sworn police officers and 32 civilian support personnel. The primary services that the Police Department provides are patrolling the City of Calexico to prevent crime and apprehend criminals; conduct criminal investigations; establish crime prevention programs, and the oversight of animal control services. Non-traditional services, which are not delivered by the Calexico Police Department, are provided by the Imperial County Sheriff's Office from the following Units: County Jail, Coroners, Records, Civil, Scientific Investigations, Court/Bailiffs, and Communications.

A proposed project of this venue may have a significant to moderate impact on the Sheriff's Office services, equipment, and personnel. Therefore, it would be reasonable to request funding compensation from the Manzanita Band of Kurneyay Nation for services, equipment, and personnel costs in order to mitigate the impacts of this project.

The following are the fully allocated hourly rates for the following positions:

Deputy Sheriff	\$73.68
Sheriff's Sergeant	\$103.70
Civil Process Server	\$54.00
Public Safety Dispatcher	\$66.81
Public Safety Dispatcher Supervisor	\$82.10

EL CENTRO, CA 92244 10407 www.icso.org / PHONE: (760) 760-6311 FAX: (760) 760-6318
AN EQUAL OPPORTUNITY EMPLOYER

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY SHERIFF'S OFFICE, SIGNED BY
RAYMOND LOERA, DATED NOVEMBER 13, 2008 (COMMENT LETTER ICSO)

Response to Comment ICSO-1:

This is an introductory comment to the letter. The following responses address specific comments raised in the letter. Please refer to responses to comments ICSO-2 through ICSO-4.

Response to Comment ICSO-2:

This comment states that the proposed project would have a significant to moderate impact on the Sheriff's Office services, equipment and personnel. An EIR is required to analyze the potential impacts of the proposed project on the physical environment. CEQA does not require an EIR to analyze economic or social effects, such as impacts to services, equipment and personnel, unless they would cause or contribute to a physical change in the environment. However, it is anticipated that Casino-related impacts would be offset through sharing of funds provided by the Tribe through the MOU with the City of Calexico that would help offset the any cost associated with the Sheriff's Office services, equipment, and personnel. For non-casino aspects of the project funding would be through applicable impact fees, increases in property taxes, and other related revenue streams.

ICSO-1

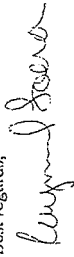
ICSO-2

ICSO-2
(cont'd)

Please note that these rates are for fiscal year 2007/2008 and are yet to be updated by the Auditor's Office. The current **Daily Jail Rate** reported to the State of California Department of Corrections and Rehabilitation is \$77.17.

If you have any further questions regarding this matter, please contact Chief Deputy Gutierrez directly at (760)339-6414.

Best regards,



Raymond Loera
Sheriff/Coroner/Marshal

RL/din